Proceedings

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REPORTS OF COMMITTEES

OF THE

HOUSE OF REPRESENTATIVES,

MADE

DURING THE FIRST SESSION

OF THE

THIRTY-SIXTH CONGRESS:

1859-'60.

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TO

REPORTS OF COMMITTEES

OF

THE HOUSE OF REPRESENTATIVES.

THIRTY-SIXTH CONGRESS, FIRST SESSION.

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36TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 648.

THE COVODE INVESTIGATION.

JUNE 16, 1860.—Ordered to be printed

Mr. TRAIN, from the select committee, submitted the following

REPORT:

The committee appointed under the resolutions offered by the Hon. John Covode, and adopted by the House, on the 5th of March last, entered upon their duties upon Tuesday, March 20, 1860, and have pursued them with as much assiduity as the circumstances under which they were appointed, and the events following the adoption of the resolutions, would allow.

Your committee found themselves greatly embarrassed in pursuing their investigations for several reasons. First, because, although they had been clothed by this House with power to send for persons and papers, no appropriation of money was made by Congress until the 24th day of May last. Your committee, therefore, did not feel at liberty to summon witnesses from a distance to attend upon their investigations, when they would be compelled to take the certificates of the Clerk in discharge of their fees, and dispose of them here in Washington at a discount. In some instances the chairman of your committee has furnished his own money to aid in carrying forward the investigation. In other instances your committee have summoned as witnesses persons whom they have found here in the city, in preference to sending for parties at a distance, when there had been no provision made by Congress for the payment of their fees.

Again: on the 28th day of March last the President of the United States saw fit to submit to this House his solemn protest against its proceedings in the appointment of this committee. This seems to your committee to have been a proclamation to the world that the whole power of the Executive, instead of being exercised to forward an investigation into its administration of affairs, would be exercised to protect those who might choose to disobey the summons of the Speaker of this House, or who, having obeyed the summons, might refuse to testify before your committee. In any event, it was a declaration on the part of the President of the United States which his adherents would not fail to regard. Under these circumstances, your committee have prosecuted their investigation to as great an extent as the time and means allowed them would permit.

The President, in his protest, having denied the power of the House "to investigate whether the President of the United States or any other officer of the government has, by money, patronage, or other improper means, sought to influence the action of Congress, or any committee thereof, for or against the passage of any bill pertaining to the rights of any State or Territory," and the investigating "whether any officer or officers of the government have, by combination or otherwise, prevented or defeated, or attempted to prevent or defeat, the execution of any law now upon the statute-book, and whether the President has failed or refused to compel the execution of any law thereof," your committee have thought proper, in the first instance, to examine the history of Congress, and ascertain if there were any precedents which might control their conduct.

Regarding the construction of the first clause of the resolution as one involving the abuse of the power of the government by any officer thereof, your committee find upon examination that as early as the 8th of February, 1826, the following resolution was submitted to the Senate by Mr. Macon, and adopted:

"*Resolved*, That the committee to whom was referred the several resolutions to amend the Constitution of the United States be instructed to inquire into the expediency of diminishing or regulating the patronage of the Executive of the United States, and that the committee have leave to report by bill or otherwise."

On the 4th of the following May Mr. Benton, from the same committee, presented a report, from which your committee make the following extracts:

"The patronage of the federal government at the beginning was founded upon a revenue of $2,000,000; it is now operating upon $22,000,000, and within the lifetime of many now living must operate upon $50,000,000. The whole revenue must in a few years be wholly applicable to subjects of patronage.

"Power over a man's support has always been held and admitted to be power over his will. The President has power over the support of all these officers, and they again have power over the support of debtor merchants to the amount of $10,000,000 per annum, and over the daily support of an immense number of individuals, professional, mechanical, and day laboring, to whom they can and will extend or deny a valuable private as well as public patronage, according to the part which they shall act in State as well as federal elections.

"The power of patronage, unless checked by the vigorous interposition of Congress, must go on increasing until federal influence in many parts of this confederation will predominate in elections as completely as British influence predominates in the elections of Scotland and Ireland, in rotten-borough towns, and the great naval stations of Portsmouth and Plymouth. In no part of the practical operation of the federal government has the prediction of its ablest advocates been more completely falsified than in this subject of patronage.

"With the Blue Book they will discover enough to show that the

predictions of those who were not blind to the defects of the Constitution are ready to be realized; that the power and influence of federal patronage, contrary to the argument in the 'Federalist,' is an overmatch for the power and influence of State patronage; that its workings will contaminate the purity of all elections, and enable the federal government eventually to govern throughout the States as effectually as if they were so many provinces of one vast empire.

"The whole of this great power will centre in the President. The King of England is the 'fountain of honor;' the President of the United States is the source of patronage. He presides over the entire system of federal appointments, jobs, and contracts. He has 'power' over the 'support' of the individuals who administer the system. He makes and unmakes them. He chooses from the circle of his friends and supporters, and may dismiss them, and, upon all the principles of human action, will dismiss them as often as they disappoint his expectation. His spirit will animate their action in all the elections of State and federal officers.'

"We must then look forward to the time when the public revenue will be doubled; when the civil and military officers of the federal government will be quadrupled; when its influence over individuals will be multiplied to an indefinite extent; when the nomination by the President will carry any man through the Senate, and his recommendation can carry any measure through the two houses of Congress when the principle of public action will be open and avowed. The President wants my vote and I want his patronage. I will vote as he wishes, and he will give me the office I wish for." Those which, in 1826, were words of prophecy, seem already to have met their fulfilment and become the stern record of history.

On the 4th of March, 1828, Mr. James Buchanan, then a representative from Pennsylvania, speaking upon this subject, said:

"The nature of man is the same under republics and under monarchies. The history of the human race proves that liberty can never long be preserved without popular jealousy. It is a condition of its enjoyment that our rulers must be narrowly watched. * * * * * It is a maxim of despots that the people should never inquire into the concerns of government. Those who have enslaved mankind, from Cæsar to Bonaparte, have always endeavored, by presenting them with amusement and by every other means in their power, to attract the attention of the people from the conduct of their rulers, * * * * * * * * * If the government has been administered upon correct principles, an intelligent people will do justice to their rulers; if not, they will take care that every abuse shall be corrected, * * * * *."

"It is true that, in times like the present, the republic is always most in danger when the clouds of adversity are lowering over the country, and when direct taxation becomes necessary for the support of the government, the people are watchful and jealous, and will then attend strictly to their own concerns. It is in the halcyon days of peace and prosperity, when the jealousy of the people slumbers, that abuses are most likely to steal into the administration of your

government. I charge not the present administration with corruption; but I do most solemnly believe that several of their measures have had a strong tendency towards it. * * * * * A republican government ought to be open in its conduct, and have as few secrets as possible.

"I now advance to attack the position in the argument of my colleague, which I believe to be a perfect paradox. He asserted, and attempted to prove, that the patronage of the government did not tend to strengthen, but rather to weaken the administration by which it was distributed. If that gentleman's character for candor were not above suspicion, as I firmly believe it to be, I should doubt his sincerity. To establish this position, he says that gratitude is a weaker passion than self-love, which I admit; and that, therefore, the administration loses more by disappointed candidates, than they gain by their appointments. But does not the gentleman know that when a man is once appointed to office, all the selfish passions of his nature are enlisted for the purpose of retaining it? All office-holders are but enlisted soldiers of that administration by which they are sustained. Their comfortable existence often depends upon a re-election of their patrons; nor does disappointment long rankle in the hearts of the disappointed; hope is still left to them, and bearing disappointment with patience they know will present a new claim to office at a future time." * * * *

"For my part, judging from history, when this government was commencing its operations, and when its patronage was comparatively small, it required the immense weight of character which the Father of his Country possessed to put the wheels of the machine into successful motion. I think there was then more danger of a dissolution than a consolidation of the confederacy. I should then, when the words had some meaning, have been a federalist rather than an anti-federalist. I have been called a federalist, and I shall never be ashamed of the name. The times have since greatly changed. The power and patronage of this government have been extended, and are felt in every neighborhood in this vast empire. There is now infinitely more danger of consolidation than disunion; and the States should now be jealous of every encroachment upon their rights. The argument of my colleague would put them to sleep. Upon his theory the British government must be very weak, because it possesses ten, nay, I may say, twenty fold the patronage of this government."—(Gales & Seaton's Reg. Deb., vol. 4, part 1, page 1362.)

On the 6th of January, 1835, Mr. Calhoun submitted in the Senate the following resolution, which was agreed to:

"*Resolved*, That a select committee be appointed to inquire into the extent of Executive patronage, the circumstances which have contributed to its great increase of late, the expediency and practicability of reducing the same, and the means of such reduction; and that they have leave to report by bill or otherwise."

From his report on that resolution your committee take the following extract:

"So long as offices were considered as public trusts, to be con-

ferred on the honest, the faithful, and capable, for the common good, and not for the benefit or gain of the incumbent or his party ; and so long as it was the practice of the government to continue in office those who faithfully performed their duties, this patronage, in point of fact, was limited to the mere power of nominating to accidental vacancies, or to newly created offices, and could, of course, exercise but a limited influence either over the body of the community or office-holders themselves. But when this practice was reversed; when offices, instead of being considered as public trusts to be conferred on the deserving, were regarded as the spoils of victory, to be bestowed as rewards for partisan services without respect to merit ; when it became to be understood that all who hold office hold by tenure of partisan zeal and party services, it is easy to see that the certain, direct, and inevitable tendency of such a state of things is to convert the entire body of those in office into corrupt and supple instruments of power, and to raise up a host of hungry, greedy, and subservient partisans for every service, however base and corrupt. Were a premium offered for the best means of extending the power of patronage, to destroy the love of country, and to substitute a spirit of subserviency and man-worship; to encourage vice and discourage virtue ; and, in a word, to prepare for the subversion of liberty and the establishment of despotism, no scheme more perfect could be devised. And such must be the tendency of the practice with whatever intention adopted, or to whatever extent pursued. * * * * As long as the influence of the Executive is so moderate as to compel him to identify his administration with the public interests, and to hold his patronage subordinate to the principles and measures necessary to promote the public good, the Executive power may be said to act within the sphere assigned to it by the Constitution, and may be considered as essential to the steady and equal operation of the government. But when it becomes so strong as to be capable of sustaining itself by its influence alone, unconnected with any system of measures or policy, it is a certain indication of the near approach of irresponsible and despotic power. When it attains that point, it will be difficult to find anywhere in our system a power sufficient to restrain its progress to despotism."

On the 6th of August, 1852, Mr. Houston introduced in the Senate the following resolution:

"*Resolved*, That a committee of five be appointed to inquire into abuses, bribery, or fraud in the prosecutions of claims before Congress, commissions, or the departments; or in passing through Congress bills embracing private individual or corporate interests; or in obtaining or granting contracts; and that said committee have power to send for persons and papers, and to examine witnesses under oath."

On the 22d of March, 1853, Mr. Borland made a report, by which it appeared that they had examined witnesses bearing heavily upon the President, Mr. Fillmore, and other high executive officers. It is to be observed that no resistance was made to that inquiry. On the 25th of February the President addressed a note to Mr. Underwood

simply denying the truth of the testimony of Robert Smith as it affected him, he having been theretofore notified of its contents.

With these precedents before them, your committee have felt at liberty to investigate the conduct of the President of the United States or any other officer of the government, not only as to whether they had "by money, patronage, or other improper means sought to influence the action of Congress or any committees thereof for or against the passage of any bill," &c.; but as to the manner in which the patronage of the government, by direction of the President or any of his subordinates, has been administered, in subsidizing the public press, in carrying elections, State or federal, or in affecting the legislation of either branch of Congress, believing that either of these subjects of inquiry are properly within the purview of the resolutions.

No. 2.

LECOMPTON CONSTITUTION, &C.

Your committee first direct the attention of the House to that portion of the testimony which relates to the Kansas policy of the present administration of the government. The patriot will mourn, the historian will pause with astonishment over this shameless record. Accustomed as the American people are to the errors and crimes of those in power, they will read this exposure with feelings of unmingled indignation. The facts revealed by the testimony prove conclusively—

First. The emphatic and unmistakable pledges of the President, as well before as after his election, and the pledges of all his cabinet to the doctrine of leaving the people of Kansas "perfectly free to form and regulate their domestic institutions in their own way."

Second. The deliberate violation of this pledge, and the attempt to convert Kansas into a slave State by means of forgeries, frauds, and force.

Third. The removal of and the attempt to disgrace the sworn agents of the administration who refused to violate this pledge.

Fourth. The open employment of money in the passage of the Lecompton and English bills through the Congress of the United States.

Fifth. The admission of the parties engaged in the work of electioneering those schemes that they received enormous sums for this purpose, and proof in the checks upon which they were paid by an agent of the administration.

Sixth. The offer to purchase newspapers and newspaper editors by offers of extravagant sums of money.

Seventh. And finally, the proscription of democrats of high standing who would not support the Lecompton and English bills.

The evidence of Hon. Robert J. Walker is conclusive as to the first of these facts; and it is so compact and clear as to require no com-

ment. A gentleman born in a free State, a democrat of high standing and approved authority, he convicts the President and his cabinet, not alone of duplicity and inconsistency, but of treachery to himself as a public officer, after they had implored him to accept a perilous and profitless position, and to a principle which they were the first to present to his favor. The treatment which Governor Walker received evinces a depth of ingratitude unusual among politicians. It shows how, even in our happy country, power may not only be used to destroy an honest citizen, but also be wielded to overthrow the vital elements of constitutional liberty. He was selected as the best instrument to carry out the promise of permitting the people of Kansas "to form and regulate their domestic institutions in their own way." Tempted into Kansas by the representation that if he settled the Kansas question it would add new laurels to his name, he went forth armed with the assurances, written and verbal, of the national administration, that he would be sustained and strengthened in the good work. He remained long enough to see himself betrayed and deserted, and the people of Kansas turned over to the keeping of reckless officials and pro-slavery mobs. It has been frequently alleged, and as frequently denied, that the administration of President Buchanan intended converting Kansas into a slave State. Elected, as he was, upon the distinct understanding that the destiny of Kansas should be decided by the people of Kansas, and advocated all over the north because of his supposed sympathy with northern sentiment upon this subject, it was indeed a treason hard to comprehend, a crime difficult to credit, that his was the hand that struck the blow at the sacred right he had so ostentatiously defended; and yet Governor Walker and abundant witnesses fasten this ineffacable stigma upon the name of James Buchanan.

The impression, however, which will be made upon the country by Governor Walker's testimony, establishing, as it does most conclusively, the triple crime of the administration in deserting, first, a sacred principle, then faithful public servants, and finally in attempting by forgery, force, and fraud, to make Kansas a slave State, strong and lasting as this impression must be, it will sink into insignificance before the astounding developments contained in the testimony, respectively, of Mr. Wendell, Mr. Bean, and Mr. F. W. Walker; fortunately for the cause of truth, the evidence of those witnesses does not depend upon their own admissions, however reluctantly or freely made, the appalling fact that money was lavishly expended to carry the Lecompton and English bills is unanswerably proved by the books and other records of the Bank of the Metropolis, of Washington, through which the parties conducted their business operations; with all the ingenuity of these parties to escape the responsibility of so degrading a position, the fact is proved by their unconscious contradictions of each other; and in at least one case, that of F. W. Walker, who has laid himself open to the grave charge of perjury, the House of Representatives took prompt action by expelling him from the reporters' gallery, as an attaché of the New York Express; a decree which, in itself, is the

best construction that could be placed upon the accusation that money was used to carry the Lecompton and English bills through the Congress of the United States.

Mr. Wendell, in his testimony, to which the House is respectfully referred, admits that he expended between $30,000 and $40,000 for this purpose. He is a witness whose credibility cannot be impeached, at least by the administration. He has borne the very closest relations to the venerable head of that administration. He has been consulted by cabinet ministers and by the intimate friends of the President and his constitutional advisers. They took him into their secrets in 1857, after he had made himself universally known as a daring and somewhat reckless operator in the jobs and contracts of the departments. Hence, when Mr. Wendell swears to having spent that large amount of money to carry the Lecompton and English bills, and when this expenditure is proved by his bank books, and by the confessions or admissions of such of his agents as your committee have been able to bring before them, the conclusion is irresistible that he acted throughout with the consent, if not the knowledge, of the President of the United States. Your committee need not multiply comments upon this part of the revelations contained in the testimony, save to add that it was natural that what begun in treachery to principle and friends should terminate in confessed and unexampled corruption.

The testimony of John W. Forney, the present Clerk of the House of Representatives, is not to be overlooked in this connexion. While it shows a general willingness on the part of the President to subsidize the public press, it proves also the strong determination to buy all who could be bought, and to crush out the honest men who could not be bribed or seduced into an affiliation with the administration in its Lecompton policy. The evidence shows clearly that Mr. Forney was offered the printing of the post office blanks, worth at least $80,000, upon the condition that he should, by an editorial no larger than a man's hand, promise subserviency to the administration in its Kansas policy.

It is due to the committee that it should here be stated that Alexander Hay, who received over $20,000 at the hands of Mr. Wendell, to be employed in the passage of the Lecompton and English bills, was subpœnaed by order of your committee, and failed to appear. Process was thereupon issued by order of the House to compel his attendance, which Mr. Hay avoided; and the most strenuous efforts on the part of the officers of the House failed to procure his arrest.

When it is remembered that at the outset twenty-four members of the House of Representatives opposed the Kansas policy of the administration, and that this number finally dwindled down to twelve, and enough were found to carry the bill through the House, the committee leave it to the country to judge "whether the President of the United States, or any other officer of the government, has, by money, patronage, or other improper means, sought to influence the action of Congress, or any committees thereof, for or against the passage of any law appertaining to the rights of any State or Territory."

Finally, it was more important to the administration to subdue the freemen of Kansas than the polygamists of Utah. It has always been charged that the war in Utah was gotten up for the purpose of fastening slavery upon Kansas. To most minds the letter of the President to Governor Walker, of July 12, 1857, will furnish satisfactory proof of the allegation: "General Harney has been selected to command the expedition to Utah. But we must continue to have him with you, at least until you are out of the woods. Kansas is vastly more important at the present moment than Utah."

Upon this administration shall hereafter rest the awful responsibility of delaying the removal of the army from Kansas until the winter of 1857, which was the cause of the fearful loss and suffering occasioned by the inability of the army to reach Salt Lake.

It should be added, in concluding this portion of the report, that Messrs. Hickman and Adrain, members of this House, having, upon the floor of this House, deliberately asserted that they had been corruptly approached by the administration during the Lecompton controversy, the following action was had in the committee:

Mr. Train moved that Messrs. Hickman and Adrain be summoned before the committee.

Mr. Winslow objected on the ground that the House had ordered a special committee, on the motion of Mr. Hoard, to examine the matters with which those gentlemen had been connected.

Mr. Covode said that as it appeared likely that the examination of the persons named would protract the session, and as they had already made their charges in the House, he was willing to let the matter go, and pursue it no further.

The committee being equally divided (Mr. Olin being absent) the motion of Mr. Train was not agreed to.

The honorable Mr. Montgomery, of Pennsylvania, a member of this House, was twice summoned before this committee and declined to appear. Your committee did not feel at liberty to ask the House to compel his attendance.

No. 3.

ABUSES AT THE PHILADELPHIA CUSTOM-HOUSE AND OTHER PUBLIC OFFICES.

Your committee, under the second clause of the first resolution under which they were appointed, have directed their attention to the charges of corruption and malpractice in the administration of the offices of the government at Philadelphia. Their investigation has been directed principally to two points, viz:

1. The improper combinations among the federal officers with a view to control the sentiments and preferences of the people in their primary political movements.

2. The improper and corrupt use of the public moneys in the em-

ployment of persons in the public service, in violation of law and government regulations; and the efforts on the part of the officers of the government to defeat the statutes of the United States, enacted for the purpose of protecting the public treasury from unjust claims and improvident and unnecessary expenditures.

In relation to each of these points your committee have been informed of various instances of the corruptions existing in the management of the Philadelphia custom-house and navy yard. Your committee have confined their investigations to a few of each class of cases, but sufficient to establish the allegation that, on the part of certain officers holding high positions under the present administration, very little regard has been paid either to the laws of Congress or to their duty as public officers.

In relation to the first point, the evidence shows a most reckless disregard, by the collector of the port of Philadelphia, of the rights of the people of the State of Pennsylvania to the free and untrammelled exercise of their political rights as citizens. It appears from the evidence that he has abused the powers of his office, and used the public patronage under his control, in unjustifiable attempts to direct and manage political party organizations, which belong exclusively to the citizens of a sovereign State, and with which the executive officers of the federal government, as such, cannot interfere without endangering the most sacred rights of the people, and weakening our system of government, by destroying all confidence and respect for those who administer the laws. The evidence on this subject is found in the testimony of John H. Bryant, Francis Grice, Samuel B. Grice, Francis McCormick, John F. Schell, Andrew Brumaker, George Downey, Patrick Lafferty, and John Dunn, the few witnesses that your committee have examined in relation thereto.

In relation to the second point of inquiry, your committee have established by incontestible evidence, a flagrant disregard and violation of law on the part of some of the officers and employés in the Philadelphia custom-house and navy yard, and especially in relation to Joseph B. Baker, the collector of the port of Philadelphia, and his brother, George W. Baker, amounting to a series of felonies, subjecting the guilty parties to prosecution and punishment in the district or circuit court of the United States. Your committee would feel disposed to recommend to Congress some immediate action upon this subject; if, in view of the total disregard that has been paid by the executive branch of the government to a former recommendation made in the case of Mr. Seaman, former Superintendent of Public Printing, and of the complicity of the President in protecting the parties now referred to, by retaining them in office for nearly three months after the matter had been brought to his notice, and to the notice of the heads of the proper departments, your committee could entertain any well-grounded hope that such a recommendation would be regarded. The subject, however, is one for the proper consideration of the Executive and his prosecuting officers at Philadelphia; and if they, as faithful public functionaries having a due regard to their oaths of office, are disposed to discharge the duties imposed

upon them by law, they will do it without being called upon by the legislative branch of the government, unbiassed by any relationship, and uncontrolled by any consideration of party ties.

Joseph B. Baker is the collector of the port of Philadelphia, appointed by Mr. Buchanan in 1857 to that post. He seems to have been in the entire confidence of the President in matters relating to Pennsylvania, and the person to whom he has entrusted the distribution of much of the patronage of that State, and especially the management of the local politics of that city and State. He also seems to have had considerable agency in keeping up, by contrivances to procure funds out of the public treasury, the "Pennsylvanian" newspaper, the administration organ in Pennsylvania. This paper would appear to have been principally supported by contributions from the executive printing fund. Geo. W. Baker, the brother of the collector, and a connexion by marriage of the President, was, up to a period of time since the appointment of this committee, the editor of that paper. The periodical contributions from the executive printing fund, amounting to $12,000 per annum, do not appear to have been sufficient to afford compensation to the editor, and the receipts from the revenue seem to have been used for that purpose.

The office of assistant cashier and disbursing clerk in the custom-house was vacated some months previous to the 15th of November, 1858, by the promotion of John Goodyear, the former assistant cashier, to the office of cashier, made vacant by the death of George W. Burr. On the 15th of November, 1858, the collector, by and with the approval of the Secretary of the Treasury, appointed his brother to fill this vacancy, at a salary of $1,200 per annum. So far as can be ascertained, no publicity was given to this appointment. The appointee never appeared at his desk, nor discharged any of the duties of his office; and although the act of Congress of March 3, 1849, section 6, 9th Statutes at Large, page 399, requires the Secretary of the Treasury to make at each session of Congress a report of all the persons employed and occupied in each custom-house of the United States, and the salary paid to each, we do not find the name of Mr. George W. Baker in the Blue Book, which is compiled from such report. This omission may be the result of the fact that Mr. Baker was well known in the Treasury Department never to have been employed or occupied at his lawful duties in the custom-house.

George W. Baker, in his testimony, made a lame attempt to justify his appointment on two grounds: first, that he acted as a sort of private secretary to the collector, and secondly, that his appointment was required to assist the district attorney of the United States in the discharge of his duties in matters connected with the revenue service. Both of these have proved signal failures. In regard to the first, if he did act as such private secretary, there is no law or regulation authorizing his payment for such services out of the public treasury. The collector of that port receives a salary of six thousand dollars per annum, the highest paid to any officer at the port of Philadelphia; and if he was not able to discharge the duties pertaining to

his office, and desired an amanuensis to aid him in the performance of his duties, he should have provided the means for his compensation, without lending himself to the commission of perjury, in order to obtain illegally for his brother such compensation from the public treasury. Besides, there does not appear to be any evidence in support of this allegation. On the contrary, Mr. G. W. Baker was himself wholly unable to give to your committee any satisfactory account of his position; and although he has been for two months aware of the charge against him, he has not attempted to furnish to the committee evidence that he has ever performed any of the duties pertaining to his office, or in any manner connected with the custom-house, except in the single instance referred to hereafter.

In regard to the second excuse offered by Baker to justify this appointment, viz: that of assisting the district attorney, your committee submit that the attempt is clearly negatived by the testimony. The only instance in which he ever attempted to aid the district attorney was in a single case where he was detailed to hunt up some testimony in support of a cause pending in court, in which, according to his own statement, he does not appear to have done anything, and only attempted to discharge his duty by making a useless trip to New York; and on a subsequent occasion, when he was asked by the district attorney to perform a similar duty in relation to another cause, he declined on the ground that he was too busily engaged in the business of a steamship line—a matter wholly disconnected with the custom-house. In addition to this evidence, that Mr. George W. Baker was not engaged in the discharge of the duties of his office, and that these excuses are sheer pretexts to cover up a fraud upon the revenue, is the significant fact stated in the testimony of James C. Van Dyke, the district attorney, that the appointment of Mr. Baker was made more than three months prior to the necessity of his services in such cases; and another important fact that, so far from aiding the district attorney and the collector of the port in the protection of the revenue, he, while holding this office in the custom-house, and while in the monthly receipt of his pay from the United States, appeared before the United States authorities to defend persons charged with a violation of the revenue laws, as appears from the certified record from the docket of the United States commissioner, as printed with the testimony.

This brief review of the facts, which appear more fully in the testimony, imposes upon your committee the duty of calling the attention of this House to the law on this subject. Your committee are of the opinion that all the laws enacted for the safety of the public moneys should be strictly regarded; and it can hardly be expected that the class of lesser offenders against law and public justice can be checked in the perpetration of crime if those in high places and having the confidence of the heads of the departments are permitted with impunity to violate their obligations to the laws by which they should be controlled. Nor can you check the frequent occurrence of stupendous frauds and defalcations if excesses are to be allowed and

toleration given to those who are detected in the commencement of their career of petty pilfering upon the public treasury.

The act of Congress of May 7, 1822, (9 Statutes at Large, page 696,) provides "that no accounts for services of any clerk or other person employed in any duties in relation to the collection of the revenue shall be allowed until such clerk or other person shall have certified on oath or affirmation that the same services have been performed."

Section 13 of the same act provides "that every *collector*, *naval officer*, *and surveyor* shall, together with his accounts of the expenses incident to his office, render a list of the clerks employed by him, stating the rate of compensation allowed to each and the *duties* which they severally perform."

In pursuance of those sections of the law, G. W. Baker has, at stated monthly periods from the 30th of November, 1858, up to the 30th of September, 1859, and at quarterly periods from the 30th of September, 1859, to the 31st of March, 1860, presented to the collector of the port an account in which he claims from the government payment at the rate of $1,200 per annum. These accounts, being thirteen in number, are each accompanied with an oath that he, the said G. W. Baker, has performed his services as stated in said account, to wit, his services as clerk, &c., in the Philadelphia custom-house. These vouchers so presented are, in pursuance of the regulations of the department, regularly transmitted by the collector of the port to the Commissioner of Customs, accompanied with the statement required by the 13th section of the act of May, 1822.

Now assuming, as is clearly shown by the testimony, that G. W. Baker did not discharge the duties of the office to which he was appointed, and that the collector of the port was cognizant of that fact, they are both guilty of high crimes under two acts of Congress; the first the act of March 3, 1825, (4 Statutes at Large, page 118,) which provides:

"That if any person, in any case, matter, hearing, *or other proceeding, where an oath or affirmation shall be required to be taken or administered under or by any law or laws of the United States*, shall, upon the taking of such oath or affirmation, swear or affirm falsely, every such person so offending shall be deemed guilty of perjury, and shall, on conviction thereof, be punished by fine not exceeding two thousand dollars, and by imprisonment and confinement at hard labor not exceeding five years, according to the aggravation of the offence.

"And if any person or persons shall knowingly and wilfully procure any such perjury to be committed, every such person so offending shall be deemed guilty of subornation of perjury, and shall, on conviction thereof, be punished by fine not exceeding two thousand dollars, and by imprisonment not exceeding five years, according to the aggravation of the offence."

Your committee submit that each of the oaths taken by George W. Baker, in conformity to the act of May, 1822, constitutes the crime of perjury on his part; and that on each occasion upon which the collector of the port, with the knowledge that his brother was

not in the performance of the duties of his office, as required by the treasury regulations of 1857, No. 572, accepts such oath, pays the salary thereon, and transmits such oath to the Treasury Department as a voucher in support of his account with the United States, procures, in contemplation of law, such oath to be made, and is guilty of subornation of perjury. Nor is it reasonably possible that a collector can go astray upon this subject, for the regulations of the Treasury Department made for the guidance of collectors, &c., are very explicit. In article 608 of such regulations, the Secretary of the Treasury, in 1857, in speaking of the act of May, 1822, says:

"If any employé be paid during a period of sickness, leave of absence, waiting for employment, on mere preventive duty, or the like, the oath or affirmation, to be true, must state the fact and period, including the nature of the duty; and if the disbursing officer assents to such oath, he connives at the violation of the law, and abets the crime of perjury. If an imposition is practiced upon him in making it, it will be his duty to prosecute the offender as soon as he comes to the knowledge of the fact."

It has been held by the circuit court of the United States, in United States *vs.* Babcock, 4 McLean's Reports, 113, that the act of the 3d of March, 1825, above quoted, applies to oaths made in behalf of claims against any of the departments of the United States government, and also to oaths taken in pursuance of a regulation or in conformity with a usage of the Treasury Department, if such affidavit would be admissible evidence at the department in support of a claim against the United States.—(See United States *vs.* Bailey, 9 Peters, 238.)

The second statute to which your committee call attention as having in this transaction been violated by the collector and his brother, G. W. Baker, is the 1st section of the act of the 3d of March, 1823, 3 Stat. at Large, 771. This statute provides

"That if any person or persons shall falsely make, or cause or procure to be falsely made, or wilfully aid or assist in falsely making, any deed, order, *certificate*, power of attorney, *receipt*, or *other writing*, for the purpose of obtaining or receiving, or enabling any other person or persons to obtain or receive, from the United States, or any of their officers or agents, any sum or sums of money, or shall utter or publish as true, or cause or procure to be uttered or published as true, any such false deed, power of attorney, order, *certificate*, *receipt*, *or other writing*, or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or offices of the government of the United States, any deed, power of attorney, order, *certificate*, *receipt*, *or other writing* in support of or in relation to any claim or account, with intent to defraud the United States, knowing the same to be false, every such person shall be adjudged to be guilty of felony."

To constitute the false character of the *certificate*, *receipt*, *or writing* here spoken of, it is not necessary that the paper should be in itself a forged paper. The evident intention of the law is to protect the treasury from the use even of a genuine paper containing an assertion

of that which is false. This is held by the Supreme Court of the United States in the case of the United States *vs.* Staats, 8 Howard, p. 48.

Your committee, therefore, submit that the assertion contained in the vouchers of G. W. Baker, that he had performed the services for which he claimed and received $100 per month, being false, he is guilty under this act of uttering and publishing, and of presenting to an officer of the United States a false certificate in support of his claim for salary; and the collector, knowing such assertion to be false, is guilty under this act of transmitting to an officer of the government such false certificate in support of, and in relation to, his accounts as collector.

These public functionaries having thus violated the law, it appears by the letters of Mr. Van Dyke to Mr. Buchanan, dated March 16, 1860, that complaint was made by some citizens in Philadelphia, and that he, in pursuance of his official duty, determined to prosecute the offence; and it also appears that, in pursuance of this high sense of duty, he wrote to the Treasury Department on the 15th and 27th days of February, 1860, asking for information that seemed necessary, in order to determine whether a prosecution could be maintained. That information was furnished by the department in the letters of the Commissioner of Customs to Mr. Van Dyke, dated February 17 and 29, 1860. But this prosecution seems to have been most effectually prevented by the President, who, on the 14th March, 1860, a few days after the inquiry at the Treasury Department, informs Mr. Van Dyke that, in accordance with the views of the Secretary of the Treasury, he had determined to make a change in his office. The Secretary, at the time he desired this removal, must necessarily have been fully aware of the depredations by the Bakers; and the only rational inference is, that the removal was demanded and made in order to screen the malfeasance in office of a political favorite, and his brother, who edited, in Philadelphia, an administration organ. It appears by the letter of Mr. Van Dyke to the President, dated 24th March, 1860, that the President desired Mr. Van Dyke to permit Mr. Baker to control the choice of delegates to the Charleston convention. The fact that these delegates had been chosen may have been, and most probably was, an all-powerful consideration with Mr. Buchanan in taking the most effectual mode to prevent a prosecution of a friend whom he considered a controlling political influence in that delegation. It is now upwards of three months since this fraud upon the revenue, and these repeated perjuries, have been brought to the knowledge of the administration; and yet the guilty parties have not only gone unpunished, but are retained in office in charge of the revenue of the second port in importance in the United States. Your committee submit that such conduct on the part of the Executive and the Secretary of the Treasury is a subject for the highest censure.

As a part of the same class of irregularities, your committee call attention to the payment of salaries by the naval storekeeper in the Philadelphia navy yard to Theophilus Fiske and Charles Cummings, neither of whom were at any time in the performance of any of the

duties of their appointments; and to the case of Charles Clement, who signed the pay-roll, but did not receive any portion of his salary, leaving it in the hands of the naval storekeeper, John Cummings, for his own benefit.

The same is true of William M. Browne, now one of the editors of the government organ in this city—*The Constitution*. While an assistant editor of the "Journal of Commerce," he held a situation under Collector Schell of the New York custom-house. As will be seen by reference to his testimony, he could give no satisfactory account of any services rendered by him, while Mr. Hamilton Browne, who was the chief clerk of the division to which Browne was assigned, swears that he performed no service whatever.

Your committee, for want of time, have not been able to pursue the investigation into the management of the post offices to any considerable extent. It appears that in the Detroit post office one Harry Scovel was the local mail agent, and received a salary as such. He is what is known as the "Items" man, or local editor, of the "Free Press," an administration paper in that city. His salary was $100 per month, for which he rendered little or no service, his duties being performed by a man who was employed by the railroad to deliver the mail-bags, Scovell paying him $25 per month. Henry J. Alvord, a democratic editor in that city, held a situation in the same post office at $500 a year, which was substantially a sinecure.

No. 4.

EXECUTIVE BINDING.

The executive binding was continued in the hands of Cornelius Wendell, in violation of the statutes of 1858, chap. 154, section 14, Statutes at Large, vol. xi, p. 327. This, upon the testimony of William Pettibone and Columbus Alexander, two highly respectable gentlemen, practical binders, residing in Washington, was at a loss to the government of at least $50,000 per annum, or whatever the government might choose to make it, as Mr. Alexander offered to do the work at 33 per cent. less than the government was then paying. The following extracts from his testimony will show the character of the propositions he submitted to the Department of the Interior, as also to Mr. Bowman, late Superintendent of the Public Printing.

Question. Have you, within the last three years, made bids or proposals to do binding for the executive departments; and if so, to which department did you make them?

Answer. In July, 1857, I made a proposition in writing to the Department of the Interior, proposing to do the binding for that department at thirty-three per cent. less than they were then paying for it. In the month of September following I renewed my offer, thinking, as I had not heard from it, that the department, in the multiplicity of its business, might have overlooked it; and I made the further proposition that, if they did not think proper to accede to my former proposition, I would pay into the treasury, for the use of the govern-

ment, the sum of ten thousand dollars, provided they would give me the contract, at the prices then paid, for the binding of that one department alone, from September, 1857, to the 4th of March, 1861; that upon the signing and sealing of the contract I would pay that amount over to the government for the government's use. My object was to show to the Secretary—to strike him forcibly at once—that it was a matter of some importance, of some interest to the government. I thought, perhaps, that the proposition of a reduction of the price thirty-three per cent. did not strike him as being a matter of much importance; but I thought the sum of ten thousand dollars would certainly open his eyes to some extent.

Question. Were either of those propositions accepted?

Answer. They were not accepted; that is, the Secretary never condescended to notice them.

* * * * * * * *

Question. Is there any reason you know of yourself, independent of that, why the Secretary refused to accept your proposition?

Answer. No, sir; he never made any communication to me upon the subject.

Question. Had you any conversation with him after this law was passed compelling the departments to give this work to practical persons?

Answer. I never approached him upon the subject; I saw that there was an indisposition to pay any attention to it, as I had formerly seen in the Superintendent of the Public Printing, when he had control of the executive binding.

Mr. WINSLOW. I object to that.

The WITNESS. I know that fact.

By Mr. WINSLOW:

Question. How do you know it?

Answer. For the best reason in the world: I made the proposition myself to the Superintendent of the Public Printing, and he declined it.

By the CHAIRMAN:

Question. Have you any estimate of the profits to be derived from doing all the work for all the departments?

Answer. Well, sir, I could safely say that it would be from 30 to 50 per cent. I should be very glad now to take it at 50 per cent. less than they are paying for it, even at the present time.

By Mr. ROBINSON:

Question. Are you speaking now of the printing for the executive departments?

Answer. The printing and binding also. I made a proposition in writing through the post office to General Bowman, I think, in January last, to do all the printing at 50 per cent. less than allowed under the printing act of 1852. The printing being for the executive departments, and the binding for 33 per cent. less. I never got any answer from him, for some reason or other.

By the CHAIRMAN:

Question. Do you know the probable amount of the printing and binding for the departments for a year?

Answer. They can make it almost any amount they choose; it depends entirely upon the department. They can cut out an order at any time they think proper, and say that the exigencies of the department or the good of the public interest requires that certain binding or printing should be done, and it is ordered to be done.

Question. The question was, whether you know what the printing and binding of the different departments have amounted to a year since the commencement of Mr. Buchanan's administration?

Answer. I cannot say that I have examined critically to ascertain the amount, but I should think the binding, to the best of my knowledge, would amount to $100,000 any how; I speak of all the departments.

The statute was framed by and passed Congress upon the suggestion of Mr. Pettibone himself. After its passage Mr. Pettibone became an applicant to the department for this work. He called the attention of the President to the law in a letter which appears in the evidence. The manner in which Mr. Pettibone was treated by the President appears from the following extracts from his testimony.

Question. Did you hand that letter to the President in person, or did you send it to him?

Answer. I sent it to him.

Question. Did you see him afterwards in relation to it?

Answer. I did; after I sent it to the President it remained some three weeks before I heard anything from it. I then caused a note to be addressed respectfully to him, requesting him to refer my communication to the Attorney General. A few days after that note had been sent I called at the Attorney General's office, and found my original letter to the President there; I asked the clerk to show it to me, and he did so; it had this indorsement on it: "Referred to the Attorney General, but not for his opinion." I called Judge Black's attention to the indorsement, and he said to me: "This is a strange indorsement; it means nothing; I cannot give an opinion; the President might as well have kept the paper himself; I will take the paper back to the President and have that indorsement changed." He did so, and a few weeks after I called again and saw the paper with this second indorsement, as near as I can remember the words:

"As the cabinet have had this matter under consideration, and have acted upon it, I decline interfering." This was signed "J. B.," the President's own signature, as I was informed.

I will say here that I called upon the President after Judge Black informed me of the first indorsement. He replied to me: "Why, I have sent your communication to the Attorney General." I said, "I am aware of that, Mr. President, but the paper is indorsed in such a way that the Attorney General cannot give an opinion." "Why, how is that?" said he. I told him that it was indorsed: "Referred to the Attorney General, but not for his opinion." Says he, "Is that so?" "Yes, sir," I replied. "How do you know?" "Because I have seen

the paper myself;" he seemed to express surprise; I then asked him if I could still have the opinion of the Attorney General; "Yes," he replied; I then said "How shall I get it? shall I go to Judge Black and say, as coming from you, that he can give me his opinion?" He said "Yes, tell him I say so; tell him to give you his opinion in reference to that law." I called upon Judge Black and informed him of what the President had told me; he replied, "You know, Mr. Pettibone, I cannot give you the opinion except the request is in writing;" he also said, "I will see the President to-day and ask him about it, and, if he authorizes me to give you an opinion, I will do so with pleasure." I called upon Judge Black the next day, and he told me that he had seen the President, and the President declined interfering; he said that as the cabinet had had this matter under consideration and had decided it, he declined interfering with it. After Judge Black informed me what he had said, I called upon the President and said to him: "Mr. President, did I understand you aright? You assured me I should have the opinion of the Attorney General upon a certain law; now Judge Black informs me that you decline allowing him to give me such an opinion." He says: "He informed you correctly; I do decline."

The President, while professing to Mr. Pettibone to be desirous of executing the law, and his willingness that the opinion of the Attorney General should be taken for the guidance of the departments, indorses (to the Attorney General) Mr. Pettibone's letter, "Referred to the Attorney General, *but not for his opinion.*" This persistent violation of law is only surpassed by the meanness of such an act. The inference is obvious, viz: to retain this patronage in the hands of the President's friend and most efficient operator—Cornelius Wendell.

No. 5.

PRINTING.

The evidence herewith submitted proves beyond a doubt that the prices paid for the executive printing and for binding have been utterly disproportionate to the work done. The excess beyond a fair price has been, with the knowledge and consent, if not by the direct order, of the President, squandered upon a profligate press devoted to the interest of the administration—upon the "Pennsylvanian," the "Argus," and the "Union." It appears from the testimony of Mr. Wendell that he contracted to do the printing of the post office blanks, agreeing to pay to Mr. Rice, of the "Pennsylvanian," 43 per cent. of the gross amount to be received for such printing.

The original arrangement and the subsequent modifications of it will fully appear from the following extracts from the testimony of Mr. Wendell:

Question. And I understood from your testimony that you made an arrangement with him [Mr. Rice] for forty-three cents in the dollar?

Answer. Giving him forty-three cents in the dollar; yes, sir.

Question. And that you ceased, after a time, to pay him the money under that contract, and afterwards paid a part of it to the "Argus?"

Answer. Yes, sir.

Question. Did you receive any written or verbal order from the President of the United States, or the Postmaster General, to divert any portion of that money—that forty-three per cent.—from William Rice, who you say was entitled to receive it under your agreement, and pay it to the "Argus"?

Answer. No written order.

Question. Any written or verbal order?

Answer. There was a verbal understanding that Mr. Severns should participate in the forty-three per cent. In April or May, I think, following the agreement with Mr. Rice, which was in December, there was a verbal understanding that Mr. Severns, of the "Argus," should participate in this forty-three per cent. The idea was that Mr. Rice's forty-three per cent. should be reduced to twenty-one and a half per cent.

Question. Let me stop you here for a moment. Was not all that matter after you declined to go on with your arrangement with Mr. Rice?

Answer. No, sir, it was before. The idea was, that Mr. Rice's share should be reduced to twenty-one and a half per cent. The other twenty-one and a half per cent. was to be divided between Mr. Severns and myself. If my memory serves me, that was the understanding. I was complaining that I got no profits from this work for sustaining the "Union," and I insisted upon having the post office blanks entire. It was an eternal struggle between Rice and myself who should get the profits.

Question. What do you mean by a "verbal understanding?" With whom was that understanding?

Answer. The Postmaster General; the orders came through him, but it was understood that it was by the direction of the President.

Question. Do you mean to say that the Postmaster General gave you a verbal order to direct a portion of the money to Rice and pay it to the "Argus?"

Answer. About the time of the revocation of this order, which you have just read, which revocation, if my memory serves me, was in April or May, then this new understanding was created, that the money should be divided differently from what it formerly had been.

* * * * * * * *

Question. Do you say that the arrangement in the case of the "Pennsylvanian" and the "Argus" was made by the President?

Answer. I always understood it so, through the Postmaster General; that conversations had been held with the President, and he had referred the matter to the Postmaster General.

Question. Did you hold any conversations with the President about the matter?

Answer. Yes, sir.

Question. Can you say that in those conversations the President made the arrangement concerning the "Argus"?

Answer. As to the details, I cannot say; the President was desirous that Rice should have something. It was a matter of frequent conversation as between the President, the Postmaster General and myself, and Mr. Rice and Governor Bigler; frequent, often.

* * * * * * * *

Question. What was the occasion, or motive, as expressed, if any, for this revocation of the contract with Mr. Rice?

Answer. In order to answer your question fully, I will have to give you a brief history of the matter. Mr. Rice was desirous of procuring a portion of the printing, to sustain the "Pennsylvanian," and Mr. Wendell was equally desirous of having it for the "Union," because the "Union" had no sustenance from Congress. The editor or proprietor of the organ generally had been the printer of one or the other house of Congress, and also had all the Executive patronage. I thought that, not being printer to either house, and having to pay the editors put upon the "Union," I was entitled to what patronage the President had, which would be about one-half of what the organ had; so that I strenuously objected to its being diverted to Mr. Rice. But I was not strong enough to sustain it. The influence of Mr. Rice, and the fact of his being the editor of the home organ of Mr. Buchanan, induced this order to give him the printing; but it was understood that I should do the work all the while. That was the understanding; although not expressed in the order, that was the verbal understanding, I making such arrangements with Mr. Rice as I could. He insisted upon fifty cents in the dollar; I protested, and finally got him down to forty-three cents in the dollar. That agreement ran along through the winter; I, chafing under it, and seeing that I was getting behind in my business, and what was left me did not support the "Union," tried to have it revoked. Mr. Severns, through his political friends, tried also to get some of it; and this order of April was issued, revoking the other, with the understanding that I should pay but thirty-three per cent., instead of forty-three per cent.; that is, pay Mr. Rice twenty-one and a half per cent. and Severns eleven and a quarter per cent. That ran along, each party still dissatisfied because he could not get it all, until just previous to the election, when I suggested to stop paying it.

By the CHAIRMAN:

Question. Suggested that to whom?

Answer. To the President; and, without any dissent from him, I took that responsibility pending this order. * * * *

The testimony of Mr. Wendell is confirmed by the testimony of Joseph B. Baker.

No one will doubt that it was one of the first duties of the President to inform Congress of this enormous waste of the public moneys, that the evil might be remedied by the necessary legislation. He seems, however, to have preferred that these moneys should have

been expended under the forms of law in the support of his administration, his friends, and his retainers; and for this, in the opinion of your committee, he deserves the censure of all honest men. It is to be hoped that this evil has been remedied by the legislation of the present session; and the committee, therefore, refrain from any further remarks upon the subject.

No. 6.

OF THE EMPLOYMENT OF MONEY TO CARRY ELECTIONS.

Your committee intended, at the outset, to inquire into the *improper* use of money in elections by private individuals as well as by public officers, deeming that to be within the scope and meaning of the resolution passed by the House. There can be no objection to the use of money in the distribution of tracts, speeches, and public documents, for the purpose of disseminating political intelligence among the people. But when money is used for the purpose of corrupting the freedom of elections, of buying votes, and maintaining a force to overawe the timid, and, by management, fraud, and force, to control elections, more especially when this is done by officers of the government, and the money of the government employed for the same purposes, the evil becomes one requiring the most careful investigation, and the most discreet legislation, either of the several States or of the federal Congress.

The action of the House, upon the application of your committee or process to compel Mr. Augustus Schell to testify, having indicated to your committee that they should not inquire into the use of money by private individuals, they therefore abandoned that line of inquiry. The House afterwards, upon the application of Hon. Mr. Winslow, a member of your committee, reversed its former action, but at so late a period in the session that your committee could do nothing further than to pursue the investigation sought by Mr. Winslow as far as he desired.

It appears by the testimony of George Plitt that over $70,000 was distributed by him as the treasurer of the democratic State central committee of Pennsylvania, in 1856, to carry that State for Mr. Buchanan; of this sum nearly $20,000 was received from what was known as the New York Hotel Fund, and $10,000 from W. C. N. Swift, of New Bedford, Massachusetts, and which was afterwards repaid to him through the famous as well as infamous live-oak contracts, the remainder was derived from different sources, a large portion thereof being collected in the shape of assessments upon the employés of the government in the offices at Washington, and the custom-house and navy yard at Philadelphia. The following extract from the testimony of Isaac West, who was inspector in the custom-house during the election of 1856, is in point:

Question. Were you there at the time of the election of 1856, when Mr. Buchanan was elected?

Answer. Yes, sir.

Question. What do you know about moneys being raised off the employés of the custom-house on that occasion?

Answer. There was a certain tax levied upon the persons connected with the custom-house.

Question. What amount on each person?

Answer. A certain percentage. On a person receiving $1,095 a year, I think the tax for the presidential election was from $30 to $33.

Question. Do you mean for the presidential election alone, or for both presidential and congressional elections?

Answer. I mean the presidential election alone.

Question. What about the other election?

Answer. The amount was not so great for the State election.

Question. How much was that?

Answer. That I do not recollect. It strikes me that it was from $5 to $7, something like that.

Question. The two, then, would amount to in the neighborhood of $40?

Answer. Yes, sir; in that neighborhood.

Question. Upon what salaried officers was that?

Answer. Those of $1,100, or, rather, $1,095 a year.

Question. Were the others assessed in proportion to their salaries?

Answer. Yes, sir.

Question. To whom was that money paid?

Answer. It was generally deposited. That portion which I collected in my department I gave to the deputy collector, Mr. Harbeson—I believe he was the treasurer, so far as the custom-house was concerned—and he paid it over to the executive committee, I believe.

Question. A political committee?

Answer. Yes, sir.

Question. Did all the employés pay?

Answer. I never knew one to refuse.

Question. What was the impression—that it was rather obligatory upon them to pay?

Answer. That seemed to be the impression; they all felt it their duty to pay that more promptly than some of their debts; that was the impression, but I do not know about whether they would have been removed if they had not paid; but it was considered obligatory, I believe.

The testimony of B. F. Slocumb, J. L. Cramer, Nicholas Vedder, Josiah M. Lucas, and Stephen G. Dodge, clerks in the Department of the Interior, are also in point. The following from the testimony of George Plitt is to the same effect:

Question. Did you know anything about a portion of this money being raised off the employés of the government in Philadelphia in the custom-house and elsewhere?

Answer. Well, I think there was at that time, but I am not certain; that is our general custom.

These contributions, upon the evidence, must have been with the knowledge and at the instigation of the heads of departments, and the disbursement of money in Pennsylvania must have been with the knowledge of Mr. Buchanan himself. The following extracts from the testimony ef Mr. Wendell will establish this last assertion:

Question. I wish to ask you a few further questions concerning the elections in Pennsylvania. When you had interviews with Mr. Buchanan previous to the election in Pennsylvania in 1858, did you not freely talk with him in regard to the use of money to carry certain districts?

Answer. I talked with him freely as to the use of money in elections; I do not remember as to any specific districts; I talked about the expenses of elections generally, the large amounts used; yes, sir.

Question. Did you not tell him that you were compelled to use large amounts of money?

Answer. I cannot say that I told him I was compelled.

Question. That you were using large amounts of money?

Answer. He was cognizant of the fact that I contributed largely for elections.

Question. You had conversations with him upon that subject?

Answer. It was the subject of conversation at different times, the amounts that I contributed.

Question. What was the character of the several letters from Pennsylvania that he read you portions of during one of the interviews you had with him about carrying certain districts? How was it to be done?

Answer. I think the most of them wanted material aid; they made suggestions as to aid required in different districts generally, and the political affairs of their several districts.

Question. Why did he call your attention to those letters calling for that kind of aid? Was it because he expected you to attend to it?

Answer. Well, I do not know, indeed, what the motive was; our conversations were generally about politics and the contest going on; and the letters might have been shown in connexion, which in those days were generally political, almost always; I might say my conversations with him were always of a political character.

Question. On what occasion was it that you had these long interviews with him? Was it not immediately before the election, and relative to the means to be made use of to carry the elections?

Answer. Well, I could not say; I had them at different times. I presume during the time of elections I had some long interviews, and again at other times. I do not call to mind any particular date, when these interviews were held. They were held at different times during all my intimacy with him.

Question. On what days of the week did you have long interviews with him? Can you recollect?

Answer. Pretty much every day, I should presume. I do not remember any particular day of the week.

Mr. OLIN, [to the Chairman.] Do you suppose he took Sundays for that purpose?

The WITNESS. I have had interviews with him on Sundays.

By the CHAIRMAN:

Question. Was it not your habit, previous to the election, to spend the Sabbath day with Mr. Buchanan, conversing freely upon political matters, and particularly with regard to the use of money to carry elections?

Answer. I cannot say it was a usual habit. I saw him on Sundays; I could not say how many.

Question. I am referring to immediately preceding the elections.

Answer. Yes, sir; I may have seen him on one or two Sabbaths immediately preceding the fall election of 1858.

Question. On those occasions had you conversations with him on that subject?

Answer. Conversations on politics?

Question. In connexion with money matters.

Answer. The expenses of the elections would usually come up during the conversations.

Question. Did Mr. Buchanan object to carrying elections or helping to carry them in that way?

Answer. Never to me.

In this connexion your committee would fail in their duty did they not call the attention of the House to the custom proved to exist, and with the knowledge of the President, of allowing officers employed under the government to be absent on leave from their posts, and employed in electioneering for the party to which they belong. Gideon G. Westcott is a notable illustration of this practice. In 1856, being then an appraiser in the custom-house at Philadelphia, he was "absent, on leave, in the State central committee room" some four months; during which time he rendered no service to the government, yet received his regular salary. The practice has also prevailed in the New York and other custom-houses, of appointing men temporarily for the week preceding the election, and granting them leave of absence, that they might devote themselves to electioneering duties. This employment of the servants and moneys of the government in aiding elections is a palpable violation of law, and subversive of the rights and interests of the people.

In view of this evidence, it is not surprising that the President, in the letter to the Pittsburg centennary celebration, should have used the following language:

"I shall assume the privilege of advancing years in referring to another growing and dangerous evil. In the last age, although our fathers, like ourselves, were divided into political parties which often had severe conflicts with each other, yet we never heard, until within a recent period, of the employment of money to carry elections. Should this practice increase until the voters and their representatives in the State and national legislatures shall become infected, the fountain of free government will then be poisoned at its source, and we must end, as history proves, in a military despotism. A democratic republic, all agree, cannot long survive unless sustained by public virtue. When this is corrupted, and the people become venal,

there is a canker at the root of the tree of liberty which must cause it to wither and die."

It is well known to the American people that stupendous frauds were perpetrated in the election of 1856, in Pennsylvania, by means of forged and fictitious naturalization papers. Your committee have been enabled, just at the close of the investigation, in some degree, to trace these frauds. It will be seen by the testimony of William Karns that these papers were first prepared and obtained in Philadelphia, some of them having the seal and the signature of a prothonotary who deceased about the year 1850, and others with forged seals and signatures, or genuine ones obtained in some manner from the proper officers in Philadelphia. These were distributed over the State by hundreds, and probably by thousands. It will be seen by the following extracts from the testimony of William Karns that an officer of the government, Reuben F. Brown, now receiving an annual salary of $2,000 in the custom-house at Philadelphia, was connected with this transaction :

Question. Did you reside in Reading in the fall of 1856?

Answer. I did.

Question. Did you at that time receive a quantity of blank naturalization papers from Philadelphia?

Answer. Yes, sir; I received some blanks at that time.

Question. How did you receive them, by mail or express, or in what way?

Answer. I think some few came to me by mail.

Question. Did they come to you under the frank of any persons; and if so, under whose?

Answer. I think one or two came under the frank of Governor Bigler, and some came under the frank of other persons, but I am not positive who they were. Governor Bigler's frank is the only one I am positive about; I think there were, perhaps, three packages sent, and one of them I know was under the frank of Governor Bigler.

Question. Were there large quantities of these papers sent to you?

Answer. No, sir; there were but few.

Question. How many did you get altogether, do you think?

Answer. Well, I have said to persons that I had three hundred or four hundred, but that is not so; I looked them over on Sunday last, and discovered that there were perhaps two hundred or two hundred and thirty altogether. Some of them had what purported to be the seal of the court and the signature of the prothonotary; others were mere blanks.

Question. Did you make application to Mr. Sallade for the use of his back office?

Answer. No, sir; I did not.

Question. Who sent these papers to you from Philadelphia?

Answer. They were either left at my house by Mr. Brown, or handed to me in person by him; I am not positive which. I have been trying to recollect whether he gave them to me in person, or left them at my house; I think they were left by Mr. Brown at my house. At any rate, they came from Mr. Brown.

Question. Did you not receive a letter relative to the use to be made of them?

Answer. I did.

Question. From whom was that letter?

Answer. There was no signature to it.

Question. Were there any initials to it?

Answer. It was signed "R," at the bottom of the letter.

Question. Did you not know the handwriting of that letter?

Answer. That letter I compared with another that I had from a man in Philadelphia, which was signed "Brown."

Question. Reuben F. Brown?

Answer. Yes, sir.

Question. Did you know the handwriting of that letter?

Answer. I thought the handwriting was the same as that signed "Brown."

Question. Did you not know from other circumstances that the letter was from Mr. Brown?

Answer. Yes, sir; I believe the letter was from Mr. Brown; I think he asked me afterwards if I had got the letter.

* * * * * * * *

Question. We understand that this letter came with these papers?

Answer. No, sir; I do not know that it came with them.

Question. In connexion with them?

Answer. A large bundle of the papers, as I have stated before, were left at my house by Mr. Brown, or handed to me in person by him. I am not positive that the letter came with the papers, but my impression is that it came by mail.

Question. That is, the letter signed "R?"

Answer. Yes, sir.

Question. And it was in reference to the use of these papers?

Answer. Yes, sir.

Question. What directions did it give you in reference to those papers?

Answer. Am I obliged to answer that?

Question. The committee have so decided.

Answer. As I have stated, there were signatures, as they purported to be, of two different prothonotaries. Some were signed "Vineyard" or "Vingard," I am not positive which. He was prothonotary in 1850, but is dead. This letter explained (I cannot recollect the letter exactly, though I read it last Sunday) that in filling up these papers they must be made to correspond to the date. I am not certain whether I got the impression from the letter or from conversation that these papers had been left over in the office, and had been got out in some way.

Question. And when they were filled up they were to be made to correspond with the time the prothonotary was alive whose signature was attached?

Answer. So as to correspond to 1850, the date of the signature. The others, purporting to have been signed by Fletcher, were signed in 1856, I suppose; but I do not know that.

Question. Where did it direct you to distribute them?

Answer. It did not say.

Question. What else did the letter say about naturalization papers?

Answer. Well, sir, it said that there were thousands of them being used or distributed, I do not remember which.

How far the moneys of the government contributed towards the commission of the crime your committee are unable to determine.

It is due to Senator Bigler to say that upon being informed of the testimony of the witness Karns he promptly disavowed any knowledge of the use of his frank in connexion with any such transaction.—(See his letter, printed with the testimony.)

Such are some of the views which your committee have thought proper to submit upon a review of a portion of the evidence, which they herewith report to the House. In view of all the facts and circumstances attending this investigation, from its inception to the present time, there seems a marked propriety in closing this report with a quotation from the speech of Mr. Buchanan before referred to:

"My colleague has declared that he would not have introduced such resolutions, because they might tend to injure the government of the country in the estimation of the people. *Against this position I take leave to enter my solemn protest.* Is it the republican doctrine? What, sir! are we to be told that we shall not inquire into the existence of abuses in this government because such inquiry might tend to make the government less popular? This is new doctrine to me; doctrine which I have never heard before upon this floor. Liberty, sir, is a precious gift, which cannot long be enjoyed by any people without the most watchful jealousy. It is Hesperian fruit, which the ever-wakeful jealousy of the people can alone preserve. The very possession of power has a strong, a natural tendency to corrupt the heart. The lust of dominion grows with its possession; and the man who in humble life was pure, and innocent, and just, has often been transformed by the long possession of power into a monster. In the sacred book, which contains lessons of wisdom for the politician as well as for the Christian, we find a happy illustration of the corrupting influence of power upon the human heart. When Hazael came to consult Elisha whether his master, the king of Syria, would recover from a dangerous illness, the prophet, looking through the vista of futurity, saw the crimes of which the messenger who stood before him would be guilty, and he wept. Hazael asked, 'Why weepest, my lord?' The prophet then recounted to him the murders, the cruelties of which he should be guilty towards the children of Israel. Hazael, in the spirit of virtuous indignation, replied, 'Is thy servant a dog, that he should do this thing?' And Elisha answered, 'The Lord has showed me that thou shalt be king over Syria.' This man afterwards became king by the murder of his master, and was guilty of enormities the bare recital of which would make us shudder."

The testimony is now in possession of the House, and your committee have no further suggestions to make thereon.

All of which is respectfully submitted.

JOHN COVODE.
A. B. OLIN.
CHAS. R. TRAIN.

MINORITY REPORT.

Mr. WINSLOW, from the minority of the committee, by special leave of the House, reports as follows:

On the 5th of March, the House, on the motion of Mr. COVODE, resolved:

"That a committee of five members be appointed by the Speaker for the purpose of investigating whether the President of the United States or any other officer of the government, has, by money, patronage, or other improper means, sought to influence the action of Congress or any committee thereof, for or against the passage of any law appertaining to the rights of any State or Territory; and also to inquire into and investigate whether any officer or officers of the government have, by combination or otherwise, prevented and defeated, or attempted to prevent or defeat, the execution of any law or laws now on the statute books; and whether the President has failed or refused to compel the execution of any law thereof. That said committee shall investigate and inquire into the abuse at the Chicago or other post offices, and at the Philadelphia and other navy yards, and into any abuses in connexion with the public buildings and other public works of the United States.

"*Resolved, further*, That as the President, in his letter to the Pittsburg centenary celebration of the 25th November, 1858, speaks of 'the employment of money to carry elections,' said committee shall inquire into and ascertain the amount so used in Pennsylvania, and any other State or States; in what districts it was expended and by whom, and by whose authority it was done, and from what sources the money was derived, and report the names of the parties implicated. And, for the purpose aforesaid, said committee shall have power to send for persons and papers, and to report at any time."

These resolutions were referred to a committee, consisting of Mr. Covode, Mr. Olin, Mr. Winslow, Mr. Train, and Mr. Robinson of Illinois. They involve and charge the committee with the consideration of *seven* distinct branches of inquiry:

First. Whether the President, or any other officer of government has sought by improper means to influence the action of Congress for or against the passage of any law appertaining to the rights of any State or Territory.

Second. Whether any officer of government has, by combination, or otherwise, defeated, or attempted to defeat, the execution of any law.

Third. Whether the President has failed, or refused to compel the execution of any law.

Fourth. Abuses at the Chicago and other post offices.

Fifth. Abuses at the Philadelphia and other navy yards.

Sixth. Abuses in connexion with the public buildings and other public works.

Seventh. The employment of money to carry election in the States and especially in Pennsylvania, how much, where, by whom, and under what authority employed, and from what source derived.

These resolutions, so large in their terms, covering so much ground, and opening such an illimitable field for the gratification of passion, spleen, and malignity, and, by consequence, rendering a defence, in like measure, onerous and difficult, have occupied the committee in incessant and laborious investigation from the 12th of March last, involving daily meetings for a period of time equal to one-half of the whole session of the House, and to almost all its business sittings since its organization by the election of its Speaker.

It must be obvious that by no possibility could the committee have examined thoroughly any one of these *seven* distinct subjects of investigation; much less could it have given to all even a partial consideration.

The person, property, and character of the citizen, as well the highest as the humblest, are under the protection of the representatives of the people. It will be to the undersigned, as doubtless it will be to every fair-minded man in this House and the country, should injustice have been done to any individual in the course of this inquiry, by reason of the inadequate time allowed for the examination of subjects of such magnitude, a source of most painful regret.

As the Congress does not expire until the 4th March, 1861, the undersigned deemed, in view of this suggestion, and as a sheer act of justice to private individuals, and public personages whose characters had seemingly been trifled and sported with, that this investigation should not now close; but that application should be made to the House for leave to sit during the recess, without which permission the duties charged upon the committee could not at all be performed.

But in this the undersigned was overruled. This determination of the committee is much to be regretted, since it adds force to the suggestions which have already obtained credence, and are extensively circulated through the public journals, that this investigation was not commenced, nor carried on, for the honest ascertainment of truth, but that, in point of fact, it is a mere trick, and shallow contrivance, for partisan purposes to compile a document, and to print it at the expense of the country, and to circulate it, under the authority of this House, with a view to influence the fall elections; and that to this end unjust aspersions on public and private character, and unwarranted insinuations against the integrity of the highest officers of the government were not at all to be regarded in the nature of impediments; conclusions possibly unjust to the motives of the mover of the resolutions, and certainly in derogation of the justice of the House, its character, and dignity.

And the undersigned fears that the course of proceeding in the committee; the disregard, as it seems to the undersigned, of private rights, and compulsory violation of private confidence, the more criminal because unnecessary, will greatly tend to give color to these suggestions.

Perhaps many things that have occurred, and have contributed to

create and strengthen in the public mind the probabilities of such conclusion, are but the legitimate and natural results of resolutions of this character. Aimed alike in terms and purpose at the President and the high officers of his administration, they offered a bait too tempting to be resisted by the pack of slanderers, jackalls of society, who are ever barking at the heels of decency and respectability, and snuffing for their favorite repasts, the offals of slandered reputations.

The coward, sheltered under an anonymous signature, could vent all his spleen and malignity without risk of discovery; and the course of this investigation has stimulated informers and encouraged tale-bearers. It will be well for the country if the practice should stop here.

Vague and indefinite in their charges, there was scarce in the wide range of politics a subject which an eager and ingenious prosecutor might not have drawn into examination under color of their authority.

The undersigned was anxious, nay solicitous, to shield the mover, if his motives were pure and patriotic, from unjust aspersions, so far as laid in his power. He sought, therefore, to confine the inquiries of the committee, within the just scope of the resolutions, to charges founded upon reliable sources, and to examinations conducted under the known rules of law which obtain in judicial tribunals.

The more desirable and necessary was this since the sessions of the committee—obviously inquisitorial as were its duties—were secret, as they need must be, and since its province was to determine *ex parte* upon the dearest rights of the citizen, his good name and reputation, denying to him the sacred right of confronting his accuser and of cross-examining the witness.

But the undersigned regrets to say that all these efforts on his part were futile. Most of the charges examined were founded on anonymous communications—others upon information from persons destitute of character, and without position—displaced office-holders—disappointed office-seekers—venal place men—adventurers—mercenary Swiss, whose politics were bounded by no loftier motive than self-interest. All the evidence which, unexplained, raised suspicions against the administration, was, by means unknown to the undersigned, regularly telegraphed to northern papers; and when the evidence was not of this character, it was invariably garbled and distorted. The private correspondence of the President was paraded on all occasions, with a degree of indelicacy unparalleled, by witnesses whose sole purpose seemed to be to gratify their malice. Senators, representatives, his cabinet ministers, and intimate friends were called upon to relate his private conversations. Witnesses were summoned without order and without notice, and to this end the chairman usurped all the powers of the committee. In one remarkable case, a letter attacking the political integrity of a member of this House, Mr. Cox, of Ohio, was read in committee by the chairman. The writer, after enunciating the charge, proceeded to say to the effect that at least the publicity given to the affair by its examination before the committee would tend to weaken Mr. Cox in his district, and might result in

defeating him ; and thus it was expected room would be made for an individual of opposite politics. It was thus sought to use a committee of this House in aid of political tricksters. The attempt thus to prostitute the power of this House was, in the opinion of the undersigned, a high contempt. This is but one of several cases where long examinations were gone through, and private correspondence paraded for the gratification of the spleen of low and malignant witnesses. In this connexion, the undersigned may be permitted to say that, inasmuch as the charges against the member from Ohio were from time to time pressed, and the attacking witnesses were permitted to come in again and again, to add to, and amend, and explain their evidence, as it had been replied to, he felt it due, as an act of mere justice to that member, that the letter which had been exhibited to the committee by the chairman should be spread upon the records; but that demand was refused. Again: Individuals were summoned before the committee and compelled to produce private letters. The undersigned was of opinion that there was no power in the committee for such a purpose. He deemed that it had been well settled that the power to "send for persons and papers" was confined to public papers and records, and did not at all warrant the application of force to extort private letters; but this opinion was not concurred in by the majority of the committee. On the 17th April, Robert J. Walker, late governor of Kansas, appeared, in obedience to a subpœna, and was required to produce a letter from the President, under date of July 12, 1857, touching upon the policy of the government in regard to the distracting condition of things in the Territory of Kansas, and suggestions as to the future official course of the witness. The undersigned opposed its introduction, in addition to the objection hereinbefore stated, on other and higher grounds. He deemed that this point had been well settled not only in this country, but in the forum of that people from whom our laws and system of jurisprudence has been derived.

In *Anderson* vs. *Hamilton*, (8 *Price*, 225,) it had been resolved that communication in official correspondence, relating to matters of state, cannot be produced in evidence in an action by an individual against a person holding office for an injury, &c., not only because such communications are confidential, but because their disclosure might betray secrets of state policy which might be injurious to the interests of the country; and of the same opinion was Dallas, chief justice, in *Home* vs. *Lord Bentinck*, reported in the same volume. On the hearing of *Marbury* vs. *Madison*, (1 Cranch, 137,) Mr. Lincoln, the Attorney General, objected to answering certain questions, for that, he held he ought not to answer as to *official transactions* while he was Secretary of State. The court said "if anything confidential was required to be disclosed he was not obliged to answer; and if he thought anything was communicated in confidence he was not bound to disclose it." The committee, however, dissented from these views, and "thought the matter perfectly within the province of the committee."—(*Lecompton Con., &c.*, p. v)

The witness declared "that he did not think the committee had the right to compel the production of this letter, or to force it from

him against his will," (*ibid*, p. 4,) and he accordingly refused to produce it. It was then understood that the matter should be carried before the House for its decision. The undersigned was detained the succeeding day by indisposition. On that day, during his absence, Ellis B. Schnabel was examined. He had not been summoned by order of the committee, but on the mere motion of the chairman, in defiance of the repeated remonstrances of the undersigned that no witness should be summoned unless upon notice and special order. Interrogatories had been previously furnished to him by the chairman, without the knowledge or consent of the undersigned or his colleagues, (*ibid*, p. 5,) thus entirely ignoring the advantages derivable from the oral examination. In violation of another well-settled rule of law, parol evidence was given of a written document when the existence and custody of the original was known and within reach of the committee, which had declared itself possessed of the power to obtain it, and had signified the intention of exerting that power. The undersigned forbears to dilate upon the consequences which may result if the course of the committee on this point should be drawn into a precedent. It must be obvious to the most careless and superficial observer that its tendency would be to paralyze every power of the government, and place the public interests at the mercy of the demagogue and the unscrupulous. The undersigned deems that a discussion of the resolutions, and an inquiry into their legality and propriety, would ill become the committee to whom they were referred, and with these remarks proceeds to examine the principal subjects investigated.

FIRST.—*The Executive Binding.*

The evidence on this subject illustrates the danger of affording, by inquisitorial congressional committees, an opportunity and temptation to reckless and malignant men to revenge their disappointment by culumnious imputations against officers of the government. Prior to the act of March 3, 1855, the executive binding was under the direction of the heads of the respective departments. That act placed it under the supervision of the Superintendent of Public Printing.—(10 United States Laws, 653.) This provision was repealed by the act of May 15, 1856, (11 United States Statutes,) and from that time the executive binding was contracted for and paid out of the contingent fund by the heads of departments. Finally, the act of June 12, 1858, (11 United States Statutes, page 327,) expressly enacted:

"That all the ruling and binding for the several executive departments shall be executed by practical and competent bookbinders, *to be appointed by the head of the department.*"

At no period during the present administration had the President any control over the executive binding, and in no instance did he interfere with the heads of the departments in their appointments.

But a man named Pettibone, a bookbinder in Washington, eager for a job of public binding, had for some time been pestering the President with his importunities and complaints against the heads of the

departments for not conforming to the requirements of the act of June 12, 1858, as *he* understood them. At length the President referred a memorial of his to the Attorney General, with the following indorsement thereon:

"Referred to the Attorney General, though the President does not intend to interfere with the decision or action of the different heads of departments in the selection of bookbinder, the law having expressly conferred this power upon them.

"J. B."

Pettibone appeared before this committee and made a general complaint against the President and the heads of departments for their neglect of his importunities. He states, in substance, that the memorial which he presented to the President, having, by the President's indorsement thereon, been referred to the Attorney General, that indorsement was afterwards erased, and another substituted in its place, "in the President's own handwriting." The testimony of the Attorney General, and of Mr. Roane, a clerk in the Attorney General's office, who had the paper in charge, and the appearance of the paper and its indorsement, prove the absolute impossibility that there could ever have been any other indorsement by the President upon the memorial save that which now appears.

SECOND.—*The Public Printing.*

The principal subject of inquiry before the committee was in regard to the public printing. It has furnished occasion for many calumnies against the President and his administration, and has been the main point of attack by those who are eager to gratify personal revenge, or to satiate political animosity. A careful scrutiny of the evidence would furnish a complete vindication of the President from every assault; but the brief compass of this report will suffer only a general summary.

The public printing of this government has been treated by the law, and in practice, as belonging to three classes: Senate printing, House printing, and Executive printing, or that which is done under the immediate order and for the use of the several departments.

On the 26th of August, 1852, an act of Congress was passed to provide for executing the public printing, and establishing the prices thereof. That act was designed to establish, in some degree, a permanent and regular system for executing the public printing, and to regulate its prices. The act provided for the appointment of a Superintendent of Public Printing, and prescribed his duties; the time and manner in which the work should be done; how the accounts should be kept; and the prices were fixed. It also directed that a public printer should be elected by each House of Congress, to serve during the congressional term.

The executive printing was required to be done at Washington by the public printer of the Senate or House with one exception. The 11th section provided that nothing therein contained should prevent the heads of departments from employing printers *out of the city of*

Washington to execute such printing for any of the departments as may be required for use out of Washington when it could be executed as cheap at the specified rates, increased by the cost of transportation. Post office blanks, to be used by the post office out of Washington, constituted the chief kind of executive printing coming within this exception.

Public printing being a large item of public expenditure, and often productive of large profits, it has, from the earliest period, been regarded as an important item of party patronage. Every party has elected its public printer exclusively upon party grounds, and among the members of each successful party, public printing has been the subject of keen contest and strife. Whatever party happened to be in power in either house, the public printing has been disposed of in the way deemed most advantageous to party purposes. No successful party has at any time failed to exercise this power or question the right of its successful adversary to do the same. This uniform rule of the Senate and of the House has also prevailed in respect to the printing of the several departments.

The public printer being elected by each house, and responsible to it, neither the President nor any head of department could exercise any control over the public printing, save only in the excepted case mentioned in the 11th section of the printing act. But no one doubted the political propriety and absolute right of any head of department to dispose of that printing in such manner as might best serve the purposes and interest of the party having the administration. This boon has always been craved by the editors or publishers of leading party newspapers, and on them it has been generally bestowed. The local position of the leading party newspaper at Washington, sometimes regarded as the organ of the administration for the time being, often secured to that paper the advantage of congressional or executive patronage, and occasionally of both. But it has been the experience of all political parties in this country that this advantage of newspapers in the District has been the subject of complaint by publishers abroad, who deemed their party merits or party necessities to be equal or superior to those within the District; and hence of late years, in all parties, the profits of the public printing have been eagerly and successfully competed for by persons from abroad. The election of printer to the House at the present session is an example.

This was the state of the law and the practice in respect to the public printing at the commencement of the present administration. For several months after Mr. Buchanan entered upon his administration no change was made in regard to the executive printing, and it continued to be done by the Senate printer of the 34th Congress until the expiration of his term and until after the meeting of Congress. The benefit of that printing soon became a subject of competition. It was placed by the law at the absolute disposal of the heads of the departments in respect to the printing not required for use in Washington. It appears from the evidence that the fact was known to Mr. Wendell and other printers, but not known by the head of the

Post Office Department, that the printing of post office blanks was very lucrative, yielding about double the profit that it was generally supposed to yield.

Among the claimants were the publishers of newspapers at Washington, at Philadelphia, Cincinnati, and St. Louis. Each relied, as usual, upon his services to the party, and the party influence he could bring to bear in support of his claims.

After full consideration, Postmaster General Brown resolved to give the printing of the blanks, until further orders, to William Rice, the publisher of the "Pennsylvanian," and an order to that effect was made by him on the 31st of December, 1857, with the assent of the President. This order was in strict conformity with the laws, and no other claimant had a right to question its wisdom or justice. The disposition of this patronage to a party newspaper was in accordance with the practice of all parties, and to judge between the rival claimants was within the absolute discretion of the Postmaster General.

The printing of the post office blanks, as has been seen, constitutes the whole of the patronage in respect to the public printing that was or could be disposed of by the administration. It had always been, and lawfully might be, given to the printers of newpapers. Such persons were always editors of partisan papers, supporting the administration. Among many applicants, election had to be made. The law gave the election to the department; and as the prices were fixed by the act of Congress, and could neither be increased nor diminished by the President, it was of no public concern to whom the printing might be given. As there is no pretence but that all the work was done as required by law, and nothing more than the lawful price paid for it, the most zealous enemy of the President can point out no just ground of complaint against him for the disposal of this printing.

The imputations in respect to the printing have in the course of the examination assumed many forms, and exhibited many contradictions of each other by the accusing witnesses, and no small number of self-contradictions by the same witnesses in their examination at different times. Two points, however, embrace the substance of the charges against the President on this subject:

1st. That the profits arising from the printing of the post office blanks were, by the order and direction of the President, applied to the support of three newspapers, the "Union," now the "Constitution," at Washington, and the "Pennsylvanian" and "Argus," at Philadelphia.

2d. That the profits of this printing were corruptly offered by the President to John W. Forney, the editor of a newspaper at Philadelphia, to induce him to give up his own views and support the administration on the Kansas question.

As this patronage was by law vested in the Executive, what reason for censure could it afford, whether its benefits were bestowed on one person only or distributed among several? In regard to the manner in which it was disposed of, there has been a great deal of

testimony by Cornelius Wendell, who has been examined many times on this point, and whose testimony on one occasion seldom accords with his statements on the same point at other times. To point out the many contradictions of the witness in his different accounts of this matter would be an irksome and unnecessary task. But the real truth is clearly established, and is briefly this:

This printing was a bone of contention among several persons who were eager to enjoy it, and who claimed it on the score of political services to the democratic party. It was given by the Postmaster General to William Rice, by the order already mentioned, dated the 31st of December, 1857. Until this time it had been suffered to remain in the same condition as when Mr. Buchanan's administration commenced. Rice contracted with Wendell, who undertook to do the work, draw the pay, and retain fifty-seven per cent. for himself, and pay forty-three per cent. to Rice. This was an arrangement between Rice and Wendell, in which the government had no concern. It was merely a private contract between them; and if they were satisfied, no one else had any reason to complain. The work, in point of fact, was not done by Wendell, but he employed another person (J. T. Crowell) to do the work for from forty to fifty per cent., leaving a margin of profit to Wendell. Rice was the only party authorized by the government. The contract between him and Wendell seems to have been fulfilled for the first six months; but afterwards Wendell refused to pay his full share to Rice, but retained a portion of it for himself, and paid a portion to Severns, of the "Argus." This he pretended to do under an arrangement or direction by the President, concerning which, on different examinations, he has told many conflicting stories.

That this arrangement was made by Wendell for his own advantage; that he pretended it was done by authority of the President, and that the President had nothing at all to do with it, is conclusively shown by the testimony of Mr. Baker, by the account stated by Wendell, and by Wendell's own confession. Mr. Baker testifies as follows:

Answer. In January, 1859, Mr. Rice was quite violent and indignant about not getting from Wendell what he supposed was justly due to him; this conversation happened while I was here in January, 1859; Mr. Rice said, when he was appointed the printer to print the post office blanks, that he had made an arrangement or contract with Mr. Wendell to do the work for fifty per centum of the gross receipts, and he contended that under that arrangement there was quite a large balance due to him; I was very desirous that Mr. Wendell should pay Mr. Rice, as I knew that he was in moneyed difficulties, the amount he, Wendell, owed Rice, and to ascertain that amount I called upon Mr. Wendell; Mr. Wendell said that Rice was not to get fifty per centum, but forty-three per centum of the gross receipts; Wendell also stated at that time that the money was appropriated to other purposes, and that he did not owe him anything; that the Philadelphia "Argus" had received a portion of the forty-three per centum.

Question. Did Mr. Wendell tell you at that time by whom this was appropriated otherwise than to the publisher of the "Pennsylvanian?"

Answer. He said he had directions from the administration, or from high official sources; I do not recollect his exact words.

Question. What did you understand by the "administration?"

Answer. I understood the President.

Question. You spoke of conversing with the President about this; what was that conversrtion?

Answer. I understood, in the fall of 1858—I do not know from whom, or how—that the "Daily Argus" was to receive $10\frac{3}{4}$ per centum from and after the 1st of August, 1858, and I inquired of the President whether he had given any directions for a portion of Rice's money, or what was due to Rice as printer of post office blanks, to be paid to the "Daily Argus." He said he had given no directions; but report said the net profits from the printing of these blanks amounted to about $20,000 per annum; and if such was the case, he supposed that Mr. Rice could afford to pay the "Argus" out of his own profits, or out of this sum. When Mr. Rice was first appointed printer it was thought the net proceeds would not amount to over $10,000 or $12,000, and when it was ascertained that it amounted to $20,000, as the "Argus" was hard up, as it always is, it was given without any directions from him. It was supposed, under Mr. Wendell's understanding of it, that there had heen a subdivision of it. It then became necessary to learn how much was received for the blanks from July 1, 1858, to July 31 of the same year, and from August 1 to December 10. I learned this at the Post Office Department. The amount that Mr. Wendell received on account of the blanks during the first period mentioned was $20,501 24, and for the latter period $14,766 82.

Question. Did you procure that information from the Postmaster General?

Answer. This document I received from the Auditor, Mr. Offutt; he is the proper officer of the department.

Amounts paid for printing blanks used outside of the city of Washington from January 1, 1858.

February	5,	1858,	to	William Rice		$4,748 77
March	16,	"	"	C. Wendell, assignee of Wm. Rice.		3,172 89
April	13,	"	"	"	"	4,401 82
May	14,	"	"	"	"	1,243 80
June	10,	"	"	att'y of Wm. A. Harris		4,125 82
July	12,	"	"	"	"	2,811 14
						20,501 24

August	31,	1858,	to C. Wendell, att'y of W. A. Harris		$4,147 69
September	8,	"	"	"	2,264 17
October	20,	"	"	"	2,338 97
November	10,	"	"	"	3,338 44
December	9,	"	"	"	2,677 55
					14,766 82

From this testimony it is plain that while these parties were annoying the President in respect to the shares that should be received by themselves from the post office blanks, the President made no order and gave no direction concerning it. This is afterwards confessed by Wendell himself, contradicting all his previous assertions on the subject:

"Gentlemen, about September—some time in the month of September—I suggested the stoppage of the payment to the 'Pennsylvanian,' on my own volition, believing that the money was thrown away there. I stopped it. I had two reasons for it. One was, I wanted some of the profits myself, for I was running into difficulties, and I thought I was entitled to some of the profits. I suggested it to the President, and without his direction I stopped it. He did not direct this stoppage. He did not direct it to be done, nor dissent. He would say this whole subject of the printing is a source of annoyance to me, do as you please. I suspended the payment, and Mr. Rice, of course, was highly indignant, and he made diverse statements, which were caught up by the reporters, and this attack was made. Mr. Baker told me that the President wished me to make this statement. He brought it to me already written, and I signed it. It was, and is true, in every particular. I will read it: 'My attention has been called to a paragraph in a letter to the New York Times of the 9th instant, in vague and general terms, that the President had caused certain money, justly due to some individual, to be used for electioneering purposes.' He never did. 'With this accusation my own name has been so generally connected in conversation, that I feel constrained, publicly and emphatically, to deny all knowledge or belief of any fact which can warrant it, and to declare that President Buchanan never did authorize, advise or request me, directly or indirectly, to use either my own money or that of any other person for purposes like that mentioned in the paragraph referred to, or in any manner affecting any public election.' That is all true. What I did was of my own volition. I thought the money could be better applied to partisan purposes, and I took the responsibility."

* * * * * * * * *

Question. Is this a correct copy of a card you published in the "Union:"

"WASHINGTON 'UNION,' *December* 11, 1858.

"A CARD.—My attention has been called to a paragraph in a letter to the 'New York Times' of the 9th instant, in vague and general terms, that the President had caused certain money, justly due to some

individual, to be used for electioneering purposes. With this accusation my own name has been so generally used in conversation that I feel constrained, publicly and emphatically, to deny all knowledge or belief of any fact which can warrant it, and to declare that President Buchanan never did authorize, advise or request me, directly or indirectly, to use either my own money or that of any other person for any purpose like that mentioned in the paragraph referred to, or in any manner affecting any public election.

"C. WENDELL."

Answer. I presume it is.

The statement of account furnished by Wendell to Mr. Baker shows that his object in withholding from Rice the share due under their contract for printing the blanks was to secure for himself a larger portion of the profits than had been stipulated between them. To accomplish that, he was willing to divide one-half of Rice's share with Severns. The foregoing confession shows that this was suggested by himself, and for the express purpose of securing more of "the profits."

The President's positive denial that he had "given any direction" for the payment of any portion to the "Argus" is also proven by Mr. Baker.

Wendell was examined many times by the committee. An illustration of what credit is due to him upon any subject concerning which he has testified is furnished by a comparison of some of his statements in respect to the distribution of the money arising from the printing of the post office blanks to sustain the "Argus" and the "Pennsylvanian."

Comparison of Wendell's statements.

March 22d.	*April 5th.*	*May 1st.*
Question. By whom was the arrangement made to take care of these papers, (the "Argus" and "Pennsylvanian?") Answer. It was done by authority of the President.—*Record, page* 4.	Question. That arrangement (the payment to Severns, of the "Argus,") was dictated by whom? Answer. By "the powers that be," sir. Question. By what powers? Answer. By the President and the Postmaster General, one or the other of them; one acting at the instigation of the other, as we all inferred.—*Record, page* 13.	I suggested the stoppage of the payment to the "Pennsylvanian" on *my own volition*, believing that the money was thrown away. I stopped it. I suggested it to the President, and without his direction I stopped it He did not direct this stoppage. * * * * What I did was of my own volition. —*Record, page* 121.

Similar conflict may be found in Wendell's statements upon every subject concerning which he was examined.

We have here on three different examinations three conflicting accounts of the same transaction. On the 22d of March, Wendell swore positively and unequivocally that the arrangement by which a portion of the money which, under their contract, was payable by Wendell

to Rice, of the "Pennsylvanian," was withheld from Rice and paid to Severns, of the "Argus." for the support of that paper, by authority of the President. Two weeks afterwards he swore that it was done by the dictation of the President, *or of the Postmaster General*—"one or the other of them." Four weeks later he confessed that it was done by his own suggestion, that it was *not* directed by the President, that what he had done *was of his* "own volition." To comment upon such testimony were a waste of time, and yet this witness was eight times examined by the committee in order to criminate the President, and his stories disfigure a large portion of the record.

As to the second point, the charge against the administration was an imputed attempt to buy the services of John W. Forney, editor of a newspaper in Philadelphia, and this purchase was to be made by using the public printing patronage for that purpose. It was alleged that the Attorney General promised the printing of the post office blanks to Forney upon the conditions mentioned.

All this was entirely and completely beyond the range of any inquiry that the House had authorized the committee to make. The undersigned made no opposition thereto, lest his motives might have been misinterpreted.

David Webster, of Philadelphia, was called to prove the charge, and he detailed a private conversation which he had with the Attorney General about two years ago. It was manifest that he himself did not regard anything that took place in that conversation in any degree disreputable or improper, for he said, on his oath, that nothing occurred which Judge Black would wish to conceal.—(Testimony Lec. Con., p. 127.) The only thing which he said, fallible as his memory is, which even partisan malice could distort into evil, was a statement that the Attorney General had *promised* the public printing to Forney on condition that he would pledge himself not to betray the party to which he then professed to belong. But this statement of Mr. Webster, not at all supposed to be wilfully false, is untrue in point of fact, and for this opinion the undersigned proceeds to give his reasons :

First. It is directly contradicted by the Attorney General himself, the other party to the conversation, who swears that he made no such promise; but that, on the contrary, he distinctly cautioned Webster not so to understand him. This contradiction alone would be enough to settle the question of fact against the party asserting the affirmative. The burden of proof lies upon the other party. There is oath against oath. Common justice, and the universally admitted rule of law, requires the point to be decided in such case against the accusing party. But Mr. Webster's oath is not entitled to the credit which may be fairly claimed for that of the Attorney General. The latter comes to the committee with no imputation upon his character, save that which is implied in this single accusation; and if that be unfounded there is no imputation; and whether it be true or not is the very point under examination. Webster, on the other hand, accuses

himself with assenting to all that he charges against the Attorney General; and, in addition thereto, with having come to Washington and sought the interview under instruction of Forney. If there was iniquity in the transaction, Forney was to enjoy the fruits. Every man knows that when the testimony of a *particeps criminis* is offered to criminate others, it is uniformly refused all credence in courts of justice unless corroborated. If, therefore, there was anything criminal in this conversation, Mr. Webster was not competent to prove it by his own oath. If, on the other hand, the conversation was innocent, and had nothing in it dishonorable to either party, then those who wantonly dragged it before the public, who, regardless of the sacredness with which, hitherto, society has looked upon private correspondence, published before this committee private letters—they, and they only, are guilty of an offence against good morals, and must bear the burden of the just censure which, sooner or later, shall, by all good men, be visited upon them. Again: Mr. Webster's testimony from beginning to end shows that his memory is treacherous and unreliable. He fails when he attempts to give the contents of his own letter, deliberately written out. What reliance can be placed upon his recollection of a desultory conversation, of three or four hours in length, which occurred more than two years before? He himself seems distrustful of himself. Instead of giving the Attorney General's words, he says: "Judge Black gave me to *understand*," &c. It is clear that the whole conversation underwent a transmutation in the mind of the witness between the time that he heard and that at which he swore to it. This is not to be wondered at. He who hears a conversation, private and confidential, from one who trusted in him, and then goes forth and repeats it to those who have an interest to pervert it, will soon, insensibly it may be, learn to pervert it himself.

Third. If the Attorney General had been dead; if this attempt to blacken him, like that upon the late Postmaster General, had been made when he was in the grave, the written evidence would of itself have been sufficient to relieve him from all suspicion. Mr. Webster's own letters furnish a triumphant refutation of his testimony. They show that the Attorney General made no promise, and gave no pledge; and they show further that Forney refused to do what had been suggested, for the very reason that he and Webster could not succeed in getting a promise of patronage from the President or any other member of the administration.

The transition from this matter to the charges brought against the President, which are embodied in the narrative of Mr Forney, is natural and easy. But the undersigned has not yet been able to see what possible connexion there is between them and the resolutions of the House. It does not concern the Philadelphia and other navy yards, or the Chicago or other post offices. It does not concern the public buildings or other public property. It does not involve the expenditure of money in carrying elections, save in the respect of the total expenditure of all Mr. Forney's means

and exhaustion of all his resources, which he alleges happened to him in securing the election of Mr. Buchanan. Nor does it relate in any degree whatever to the remaining three of the seven branches of investigations, that is to say, whether the President has sought to influence the action of Congress for or against the passage of any law by corrupt means, or whether any officer of the government has attempted to defeat the execution of any law by corrupt combination, or whether the President has failed or refused to execute any law; but it sets out simply with a narrative of alleged merits on one side and alleged ingratitude and unfaithfulness on the other. With all of this what has this House to do? It degrades itself when it lends its high name and exalted authority to the resentments of individuals, and surrenders itself a willing instrument to wreak the vengeance of disappointed seekers for office against the authorities of the government, in whose hands, with the advice and consent of the Senate, the dispensation of patronage has been placed. But the colleagues of the undersigned deemed it a proper subject for consideration, and respect for them leads him to treat of it. Mr. Forney up to the 1st of January, 1858, although he had commenced to break with the administration on the Kansas-Lecompton question, had not indulged in personal rancor against Mr. Buchanan. His anxiety had been to come to Washington as the editor of the organ, as it is called, and of course in the hope of enjoying the public printing. Before the inauguration of the President the latter told him frankly that such an arrangement could not be carried out. Mr. Nicholson, the owner of the "Union," had communicated to the President his intention of not disposing of the "Union" to Colonel Forney, in consequence of the objection made thereto. There was among southern gentlemen a decided opposition to Mr. Forney, which the President was bound to respect, and the difficulties in the way were insuperable. With regard to the printing of the post office blanks, Mr. Brown testifies to the President's desire and his intentions to give that contract to Mr. Forney, who was a practical printer. But the President had determined not to interfere with the printing until Congress had assembled, prudently determining not to forestall any action Congress might take in the premises. Sincerely anxious, as the whole evidence tends to show, to benefit and provide for Mr. Forney, the President repeatedly offered him the most lucrative offices in his gift at Philadelphia. When these were refused he proposed to give him the consulate supposed to be the most lucrative and desirable, that of Liverpool. That it was an honorable place Mr. Forney testifies, since he declares it had been held by a number of distinguished gentlemen. To make it more desirable the offer was accompanied with pecuniary advantages. The income was to be increased by an honorable compensation as foreign editor of the "Union." The President's desire was, and he so expressed it, that time might soften the asperities of southern gentlemen towards Forney, and his return to the place he coveted be secured. What was there dishonorable in all this? Had Colonel Forney in fact put a price upon all his exertions for the election of Mr. Buchanan, and did he conceive himself entitled to a higher

reward? In what other respect the offer could be either dishonorable or degrading the undersigned fails to perceive. In truth Mr. Forney did not pretend so to consider it until the beginning of 1858. Up to that time he had not exhibited personal feeling against the President. Nay, in the fall he had, in commenting on the President's letter to the forty parsons, indulged in excessive laudation of him through the columns of the "Press." Mr. Forney declares that he never applied to the administration for the printing of the post office blanks, and that the charge that he ever asked for it or took any step to secure it is most unfounded.

He had intimated to his friends that he would accept the printing of the post office blanks, but he says that was prior to September or October, 1857. He, however, knew the errand Webster was running, and confided to him full powers, since he says "he committed his honor to his keeping." But the evidence shows that Colonel Forney is mistaken. Mr. Cobb says Mr. Forney was extremely anxious to get the printing of the post office blanks. He frequently pressed it upon Mr. Cobb, and Mr. Cobb pressed it upon the President. Every time he met him it was talked over, and this was frequently. It was the subject of very earnest conversation. Judge Black says Mr. Forney's friends and he himself urged his claims very strongly. He wrote and spoke to the Attorney General very often. During the summer he spoke impatiently and bitterly of the delay. His appeals to Judge Black to get the printing were coupled with strong assertions that he meant to be true to the President. Mr. Forney, by his own admission, came to Washington very anxious to be on good terms with Mr. Buchanan after the post office blanks had been disposed of, (Testimony, Lecompton Constitution, p. 204,) and that was the 31st December, 1857. Nothing occurred, so far as has been proved before this committee, after this time, to induce a change of feeling towards the President. Both the President and Forney had taken their ground on the Kansas question. Forney had refused the former offers of patronage, and his new political attitude did not warrant the just expectation of any other offer, or, indeed, a repetition of those which had been made. Forney was aware of the value of the post office blanks. Under the administration of General Pierce he had shared in this patronage. Nicholson, then editor of the Union, held the patronage, and Forney shared one-third or one-fifth of it. Again, Mr. Forney says that at no time did he ever express a willingness to take the Liverpool consulate when coupled with the pecuniary offer. That he was desirous of accepting it, appears from Mr. Cobb's testimony, who says that Mr. Forney appealed to him to use his influence to persuade his family to consent to this arrangement.

It is difficult to see why the proposition to counect the consulate with the honorable post of foreign correspondent of the Union, for a generous compensation, should have been considered dishonorable. Mr. Forney says he considered it a dishonorable proposition, and a degradation to him—the offer of the consulate—because he says he looked upon it as sending him out of the country, away from his

friends; and he says it was so regarded by all his friends. Yet, with these views he was willing to submit to the dishonor and the degradation. Wendell says he did not regard it as a dishonorable proposition, nor did Forney, as appears from the following extract from his testimony:

Question. And you say that Mr. Forney, among other reasons, declined on account of his financial difficulties, which would prevent his leaving the country?

Answer. Yes, sir.

Question. Did Mr. Forney ever make any objection to this offer of money as a dishonorable proposition? Did he treat your proposal as a dishonorable one?

Answer. No, sir.

Question. Did he get indignant. and say "I consider your proposition a dishonorable one?"

Answer. No, sir; he treated it as a business negotiation.

Further, Wendel says: He renewed the proposals, and after several conversations it was agreed that the compensation should be raised in the mode alluded to. Among other objections, Mr. Forney stated his inability in a financial point of view to leave, and it was finally agreed that Wendell should advance $10,000; and he raised it, and had it in possession for nineteen days when Forney totally declined. There is a remarkable discrepancy in the testimony of these witnesses, which the undersigned will not attempt to reconcile, but will only add, except their conflicting statements, there is not a particle of evidence against the administration. To the undersigned it is perfectly clear, from all the testimony, that Mr. Forney was an urgent and anxious applicant for the printing of the post office blanks during the whole spring, summer, and autumn of 1857. He had been the recipient of it under the previous administration and knew its value, and he thirsted to receive it again. The President's determination not to let it out until Congress met prevented the arrangement, and provoked his resentment and stirred his anger.

The present feelings of Mr. Forney towards the President, and in what light his testimony, influenced by such feelings, should be received, is plainly exhibited by Mr. Forney's public speech in Washington on the evening of his election as Clerk to the House of Representatives. In that speech, which Mr. Forney admits to be correctly reported as set forth in the record and published in his own paper, Mr. Forney, among other things, said:

"But I, as one man who is resolved to stand by the rights of the south, who is resolved to see the fugitive slave law executed in the letter and the spirit, I am resolved, for one, to protest against such an act. (Loud cheers.) This country has a higher, a nobler, and loftier destiny before it than the extension or perpetuation of slavery. (Loud cheers.) I say it frankly, that I regret it is in existence. I speak as I feel; and when I see all the power of this government exercised for the protection and perpetuation of that institution, I

must protest against it. (Cheers.) I have seen, for the last eight weeks, men, northern men, and I was ashamed to see them, lending themselves to the depravity, if I may be permitted to use the term, but certainly to the degradation, of indorsing such principles as these. But, gentlemen, to bring, as I said before, these desultory remarks to a close, let me, in conclusion, repeat my thanks for this demonstration. You may remember this passage in "Mazeppa"—my friend, Mr. Jackson, of Kentucky, will also remember—when Mazeppa (I cannot repeat the exact words) is bound to a wild steed, which is turned off, and which flew with him over mountains, through valleys and forests and across rivers, pursued by wolves, shouts back to his tyrant and persecutor, that some day he would return to repay him. (Loud cheers.) "Some day I will return," said Mazeppa, "to thank you, count, for this uncourteous ride." Gentlemen, I have had the ride for the last two or three years, (loud cheers,) but I have also, Mazeppa-like, come back, to settle with the respectable and venerable gentleman at the other end of the avenue for that ride. I am returned to pay my respects. (Cheers. A voice—"Give him h—l; he has no friends.") I have returned to settle accounts with him. (A voice—"Don't spare him; he shot us down, like dogs, with marines." If he is now sitting in his easy chair at home to-night, he must hear our loud and hearty cheers, and they will remind him that his old friend, Forney, has come back to settle the old debt with him." (Loud cheers and laughter.)

[Mr. Forney, once more thanking the assemblage, retired from the window, loudly cheered.]

It will be observed that Mr. Forney here proclaims that his hour of revenge is at hand, and his audience shouted their sympathy. The poetical illustration was not inapt, nor were the ruffian exclamations of an exulting mob an unfit accompaniment. Mazeppa, we are told in the story, betrayed the confidence of his patron, and brought grief and shame upon his benefactor. Justly banished and sent forth to the desert, by a strange turn of fortune he came into power and then returned to wreak a desperate revenge. By a turn of fortune no less strange, Mr. Forney, being elected Clerk of the House of Representatives by a dominant party whom all his life he had opposed, seems to have cherished in the moment of his victory the savage thought that—

"If we do but watch the hour,
There never yet was human power
That could evade, if unforgiven,
The patient search and vigil long
Of him who treasures up a wrong."

How Mr. Buchanan's administration has been "searched," and how Mr. Forney's hopes of revenge have been "treasured up," the records of this committee painfully exhibit.

Now, when it is borne in mind that this exulting anticipation of Mazeppa-like revenge was publicly proclained by Mr. Forney at the moment that this organization of the House was completed; that the

resolutions for the appointment of this extraordinary committee was one of the earliest acts of the House, of which he is one of the chief officers; that the disposition of the patronage eagerly sought by Mr. Forney from the President down until the moment of his open declaration of hostility against the President and his administration has been the subject that has principally occupied the attention of the committee; that Mr. Forney is the only witness who has ventured to impute any dishonorable act to the President; when these things come to be dispassionately considered, and the whole proceedings of this committee shall be examined and understood—as sooner or later they will be—public justice cannot fail to regret that the power and authority of this House have been devoted to the malignant purposes so plainly shadowed forth in Mr. Forney's speech. And no matter what resolution, prompted by party interest and stimulated by disappointed ambition and revenge, may be now pronounced, public justice will not fail to vindicate a Chief Magistrate who, venerable in years, after honorable service for a whole life in the capital of the nation, has been reviled by a mob, calumniated by enemies, and for a whole session hunted by an inquisitorial committee, consisting chiefly of his political foes. And when the records of this committee shall become known—the systematic violation of all the rules of evidence and the plainest principles of common justice—the leading questions that have persistently been propounded against remonstrance—the eager suggestion of whatever might degrade or criminate the President—the encouragement of informers—the refusal to call exculpating witnesses—in short, when the proceedings of this committee shall come before the people of the United States, it is believed by the undersigned that they will be condemned with a reprobation so strong and earnest as to prevent any repetition of such an outrage against the Chief Magistrate of this nation; that the usurpation of unconstitutional authority by the House over the Executive will be denounced by American citizens of all parties; that some future Congress will be required by their constituents to expunge all trace of this iniquity from their record; and that as this has been the first, so it will be the last effort by one department of the government to degrade and traduce another, and to establish a political inquisition in the American government. Public justice is sure speedily to repair the wrongs committed by personal and party malignity, and to the enlightened justice of his fellow-citizens the undersigned looks with confidence to accord with him in declaring that, in respect to the public printing and to the distribution of the patronage which the law vested in the Executive, the President and every member of the administration is free from blame or reproach.

THIRD.—*The Lecompton Constitution.*

Another charge preferred was the improper interference of the Executive in the affairs of Kansas, and attempts on his part to influence the views and shape the action of the convention of its people assembled to frame a constitution and form of government.

If the charge were true in its whole extent and largest scope, the undersigned submits that by a fair-minded man there could be no culpability imputed to the President and his advisers. Consider for a moment the condition of things in Kansas. There was then open rebellion against the constituted authorities of the republic. Civil war existed. For the first time in the history of these States the blood of their people had been shed upon mere political differences. The throes of the political earthquake, the centre of whose movements was in Kansas, vibrated throughout the whole thirty-three sovereignties which form the confederacy. Involving a delicate question, which had for years convulsed the country, and which unfortunately still convulses it, the integrity of the Union was itself threatened. In this state of things it was the right of the President to interfere by reason and argument; it was his solemn duty so to do. Nay, he would have been justified in bringing to the security of this end all the powers of government intrusted to him, that he might effect a peaceable result and quiet the agitation. Had he done so, he would have but followed in the footsteps of one of his predecessors. General Taylor, in circumstances not near so threatening, deputed a distinguished citizen of Georgia to repair to California with a view to influence the action of the people of that section in framing an organic law. A convention called by a military governor settled that controversy. Every power of the government was brought to bear in aid of that object, and the interference of the Executive was successful.

The undersigned expresses no opinion upon that movement. He recurs to it for the purpose of showing that, for such interference, no blame was ever imputed to the administration by those individuals who find fault with Mr. Buchanan in respect to his course in Kansas.

But the gravamen of the accusation against the President was, that while he had held out to the world that he favored "out and out" submission, he was secretly endeavoring to force upon an unwilling people a constitution confining their suffrages to the naked question of slavery.

If such charge were true, it might affect the character of the President for candor and fair dealing; but the offence, if improper in morals, was not impeachable in law. Therefore the most astute mind could not extract from the resolutions submitted to the committee any authority for its examination. But the whole charge against the President is utterly baseless. He stands acquitted of that upon the solemn declaration of an individual who of all men

living, himself an actor in those scenes, had the best means of knowing—Robert J. Walker, late governor of Kansas.

The only evidence that the supposed programme (as it is called) was framed and sent from Washington rests upon the testimony of Governor Walker and of the witness Johnson. In respect to the first, the opinion that it was is a mere opinion founded on a declaration of Mr. Calhoun's to Walker, that it came from the President and the administration; and upon the fact that for this cause he urged Walker to support it. Mr. Walker emphatically declares his belief that it was not gotten up by the President, and adds, it is due to frankness and candor to say that he does not think the President knew anything about it. As to who was the author, he had *a vague suspicion;* but he believes it was gotten up in Washington. Upon cross-examination, the witness admits that it is otherwise if Calhoun was to be believed; but he adds, that from Calhoun's infamous conduct, forfeiture of his pledges, and complicity with the Oxford frauds, and many other forgeries, he had not the slightest confidence in his veracity. If this criticism on Calhoun be just, not the slightest credit is to be attached to his declarations, and it would seem those declarations ought to be disregarded *in toto.* It is clear that Governor Walker rejects so much of Calhoun's declarations as impugns the President, and assigns as a reason the want of credibility in the witness. If the witness uttered an untruth in one part of the declaration, the whole declaration ought to be set aside. *Falsum in uno, falsum in omnibus.* Rejecting this declaration of Calhoun, we are left to sustain a grave charge upon high officers of the government, involving treachery to the administration, treason to their party, and abandonment of their pledges, upon the bare opinion of a witness, founded, as he alleges, on mere *vague rumor or suspicion.* It is well to be observed that Mr. Calhoun, of whom Governor Walker speaks so harshly, is dead. He cannot correct any misapprehensions or misrepresentations of his statements, and enough in this case appears to excite doubt and suspicion in regard to the detail of conversations of officers of government with respect to these exciting subjects. There seems to be a remarkable delusion on the minds of many witnesses who have undertaken to give such details; and the testimony of Mr. Martin shows that Calhoun's conversations and opinions and acts in Kansas were in direct conflict with those ascribed to him by Governor Walker.

As to the evidence of Johnson, even unexplained by subsequent testimony, it fails also of attaching the slightest knowledge of the programme or its preparation to the President or any member of the cabinet. The witness starts out with a public *rumor*—another *vague suspicion*—declaring, in the outset, that he knew nothing about it. He had heard that Mr. Martin, a clerk in the Interior Department, had been in Kansas during the sitting of the constitutional convention, and that he was distrusted by Governor Walker. Here was something to which this vague rumor and suspicion could attach. He became anxious to know who originated the plan, and why it was originated. For the gratification, as he supposed, of his curiosity, it

providentially happened that Martin called on him to procure his assistance in getting his accounts settled at the State Department in payment of the expenses of his second visit out to Kansas on business connected with that department of the government.

Feeling a "little anxious to get a little insight" into the matter, if he could, he ingeniously encouraged Martin with the idea that he would help him, and wanted to know of him all the facts, and demanded of him to bring all his letters from the State Department, &c. Martin had no papers nor letters; and failing in the attempt to get a "little insight" into the matter from the confidence thus reposed in him by Martin, he dismisses his friend with the opinion that he saw no reason why the department should pay him.

This was one of the reasons that induced him to believe that Martin was connected with political movements in Kansas, and was the bearer of some project connected with the convention at Lecompton; and thus the witness *heard things generally* that got into that shape that led him to the conclusion that it was so. But to these things he does not testify.

If the evidence closed here, in the opinion of the undersigned it would wholly fail of making out the case to an unprejudiced mind, and would be another illustration of the propriety of disregarding mere *rumors* and *vague suspicions*, springing sometimes from criminal credulity, indifference to truth, or the results of prejudice from disappointed hopes and baffled expectations, when such rumors and suspicions assail the character of honorable gentlemen. The State has a property in the character of her citizens, and it is a solemn duty we owe the country to guard the reputation of her distinguished sons.

But there is full evidence to negative any other conclusions.

The charge was then reiterated against the cabinet, and especially against the Secretaries of the Treasury and the Interior. The charge against them is equally untrue. The evidence warrants this assertion. Both these officers have sworn to the contrary. The case does not rest on their denial. Martin, who was called to prove it, refutes it as to them, and Isaacs corroborates and sustains him.

There has been no contrary evidence adduced. Every member of the cabinet might have been examined. With the peculiar notions of the law which the majority of the committee held, but in which the undersigned did not agree, there was nothing to have prevented such examination. Certainly no feeling of delicacy restrained them, since a senator of the United States was called upon to repeat any private conversation he might have had with the President.—(Lecompton Constitution, p. 27.) With an eager and an industrious prosecutor, that which was not done in furtherance of the accusation it is fairly to be presumed could not have been done. The proof is that both of the Secretaries favored earnestly, all the time, "out and out" submission. The charge is not sustained. It is disproved, and must take its place hereafter with the buried slanders of the past.

FOURTH.—*The Lecompton English bill.*

It is an appropriate place here to examine another matter of accusation, graver in character, and falling properly under the cognizance of the committee, and that is the charge of the use of corrupt means by the administration to effect the passage of the Lecompton English bill. As to the use of money, the only evidence is that of Wendell, and in regard to his testimony, all that the undersigned has already said applies here with like force. Wendell's declaration is that he expended some thirty thousand dollars towards securing the passage of the bill. He was doing the printing of the House under a contract from the public printer, Mr. Steedman, and also supplied the post office blanks. His income was large, reaching for one year $100,000, and in 1857 and 1858 $40,000 to $50,000.

On a subsequent examination, he says:

"I did not mean to be understood that I had paid so much in connexion with that bill; during the winter I did pay that for services rendered."

This money was paid as follows: To Bean, five thousand dollars; to F. W. Walker, twenty-five hundred dollars; and the residue to Alexander Hay. With regard to the payment to Bean there is no doubt. It is charged by Wendell and admitted by Bean, and, if the witnesses are to be believed, it is equally clear that the consideration was Bean's services and influence towards passing the bill. Bean was in some subordinate employment about the House, so obscure that not one of the members of the committee had the least knowledge of his person, and scarcely knew his name.

At the time of the receipt of the money, he told Wendell "he knew none of the members except the Ohio members, and he would not dare to approach them with money;" and subsequently, upon another examination, he solemnly swore:

"I state before my God and my country that no member of Congress, to my knowledge, ever received one cent of money for his vote upon that English bill."

Walker received two thousand five hundred dollars. The following is extracted from his examination:

F. W. Walker called and examined.

By Mr. ROBINSON:

Question. Where do you reside?

Answer. In Brooklyn, New York.

Question. Were you here during the Congress in which the English bill was passed?

Answer. I was.

Question. Did you receive any money from Mr. Wendell to assist in passing that bill?

Answer. I did not, sir.

Question. Did you receive any money from Mr. Wendell for your services to assist in passing any bill during that Congress?

Answer. I never received from him or any one else any money, by

virtue of any contract or agreement with him or any one else, to assist in passing the English bill or any other legislative proposition, or based on any consideration connected with any particular proposition under the attention of Congress.

Question. How much did you receive?

Answer. I did not exactly receive money, but money equivalent.

Question. State the amount that you did receive.

Answer. I received a check for $500 and two notes for $1,000 each.

Question. When did you receive these?

Answer. A day or two before the adjournment of the last session of Congress.

Question. Have these notes been since paid?

Answer. They have, sir.

Question. What was the consideration for that check and those two notes?

Answer. There never anything passed between Mr. Wendell and myself upon the subject, or between me and any one else connected with the matter. Mr. Wendell had had business before Congress, and was likely to have in perpetuity; but not a word passed between us on the subject. At various times, when we have had different matters up, he has spoken to me in respect to my good will towards a measure in which he was interested; but at the time when I received that from him nothing particular was said.

Question. What measures had he spoken to you about?

Answer. I cannot say particularly.

Question. Can you not recollect one of them?

Answer. I do not know that Mr. Wendell spoke to me of any specific measure in all the back Congresses. In this Congress he spoke of his interest in connexion with printing matters.

Question. I am speaking of what occurred in former Congresses.

Answer. Well, sir, I had my supposition with regard to matters in which he might be interested.

Question. What did he say to you when he gave you this money?

Answer. I think there were not more than two or three words passed between us. He took me into one of the rooms, as he was about to go away, and there were some two or three persons present.

Question. Who were there?

Answer. Some of the clerks in the Clerk's room, I think; I cannot say positively who was there. And then he drew these notes, and handed them to me.

Question. Did not he say a word?

Answer. He might have said that he was in a hurry, or something of that sort. I believe he also said, in a joking way, that he did not know as these notes would ever be paid, for he might break, or something to that effect.

Question. Do you mean to swear that Mr. Wendell paid you this money without any understanding that there should be any consideration whatever on your part?

Answer. I simply state the facts as they occurred.

Question. Were you engaged in assisting in passing either the bill

for the admission of Kansas under the Lecompton constitution, or what is known as the English bill?

Answer. No, sir.

It will thus be seen that Walker positively denies any complicity in regard to the passage of the English bill, corruptly or otherwise.

Subsequent developments establish, in the judgment of the undersigned, the true reason for the payment of this $2,500.

There was pending in the 34th and 35th Congresses a private bill, well known in Congress as the Chaffee patent bill. It involved large sums of money, amounting, it was said, to millions. Every effort was made to carry the bill. For some of the extraordinary means resorted to to effect its passage, the undersigned refers to the testimony, (*Lecompton Constitution, pp.* 162 and 163;) and to the testimony of William W. Shore, *passim.* From that the undersigned extracts the following. The two bills referred to are the Lecompton English bill and the Chaffee bill:

By the CHAIRMAN:

Question. Did you know of these two bills being connected by any arrangement to which Mr. Walker was a party—the Chaffee patent bill and the English Lecompton bill?

Answer. Not directly.

Question. Did he not tell you of some arrangement by which the two bills made friends for each other?

Answer. I have merely my suspicions about that; no direct knowledge. Mr. Walker never made any such statement to me. But I think I can venture the assertion that they were connected, from my knowledge of Mr. Hay and Mr. Wendell.

Question. Did you know that Mr. Walker was the go-between of Mr. Hay and Mr. Wendell with members for passing both of those bills?

Answer. That would be suppositious.

Question. Did he not tell you so himself?

Answer. From my knowledge of Mr. Walker's business about the House, I should say it was so, but I have no direct knowledge to that effect.

Question. Do you not know that while Walker himself was not in favor of the passage of the English bill at first, yet by putting the two bills together he became differently interested, and he then went for the English bill?

Answer. That I should say was direct knowledge on my part that it was so.

Question. You knew that?

Answer. Yes, sir; I think I knew that. The Chaffee patent was one of the largest interests in the country, and I know that the interests of those two bills were blended together, through Mr. Hay. Mr. Hay was the real agent, and Mr. Walker was regularly employed by Day, and I know that Mr. Walker has exerted political influence to aid in the passage of the patent.

Question. Go on and make your statement with regard to your means of knowledge of the blending of the interests of the two bills, and

the money influence that was thought to bear after those interests were blended.

Answer. I hardly know where to begin.

Question. What I want to find out is your knowledge of the money influence in connexion with this matter?

Answer. In regard to that I knew that there was an immense deal of money expended here upon the Chaffee patent; that every means were used to advance that interest; that some men were paid for saying nothing, and some were paid for what they did. My connexion with the bill was for saying nothing. I was then writing occasional letters, and I received from Mr. Hay a certain amount of money for doing nothing, neither to advance the interests of the patent nor to oppose it. I was paid not to oppose the interest of the Chaffee patent. I was with Mr. Hay and Mr. Walker, and was knowing to all these facts; that influences were used in one way to advance political measures, with the view of making friends of the Chaffee patent. The one seemed to turn upon the other. Of course, every means they could devise was made use of to carry out that particular end.

Subsequently he swore as follows:

Question. Do you know any member of Congress who received money?

Answer. No, sir.

Question. Do you know of any member of Congress who had an interest?

Answer. No, sir.

Question. Do you know of any member of Congress having an interest indirectly in the passage of that bill, or who received any money?

Answer. No, sir.

Question. Do you know whether Mr. Wendell was to receive any money from the passage of the bill?

Answer. I do not know; I know that he received a great many pecuniary favors from Captain Hay; probably those matters were mutual; I think he had an interest in the Chaffee patent.

Question. What interest had Mr. Hay in it?

Answer. I think he was part owner of the patent; he was in company with Mr. Day.

And again:

Question. In your previous examination you said that you think you can venture the assertion that the Chaffee patent bill and the Lecompton bill were connected, from your knowledge of Mr. Hay and Mr. Wendell. Will you please to explain yourself fully upon that point?

Answer. Of course, I cannot detail what I do not understand, how they were blended; my suspicions were caused by my knowledge of Mr. Wendell and Mr. Hay. Mr. Hay, two years ago, had the sole charge of the Chaffee patent; he was very intimate with Mr. Wendell, and Mr. Wendell has already testified, I understood, that he furnished a large sum of money to Mr. Hay, and, as I have already said, I know that everything that possibly could be brought to bear

upon the Chaffee patent was resorted to; and if it became necessary to make a vote or two for the Chaffee patent by making a vote or two for some other measure it was undoubtedly done.

Question. Your idea, then, is that Mr. Wendell and Mr. Hay, to pass the Chaffee patent bill, were willing to let the Lecompton bill pass?

Answer. Yes, sir.

From all this the undersigned submits that the true cause of the payment of the money to Walker was on account of his services in aid of the Chaffee bill; and this conclusion is rendered clear by the testimony of Wendell, (p. 125,) who declares he gave it at the instigation of Hay.

As early as the 10th of May the information touching Hay came to the committee. He was subpœnaed of course, but no application for the compulsory process of the House to attach him for contempt was asked for until shortly before the day fixed for the adjournment, utterly too late to apprehend him. This is a source of great regret. The undersigned has been thus particular, and perhaps tedious, in alluding so much at length to this matter; but he felt it his duty to do so. Developments may be made hereafter, if the truth can be arrived at, in the future history of the country, to expose the foulest and blackest conspiracy against the characters of distinguished gentlemen, which, in the opinion of the undersigned, would move the indignation of the whole American people, irrespective of party. Prudence restrains the undersigned from further allusion to it, lest that might prove an obstacle to its further solution. It is the solemn and deliberate judgment of the undersigned that no money was in fact paid towards the passage of the Lecompton English bill; and that the money paid to Bean nominally for that object was paid for other reasons unknown to him.

But suppose it otherwise: Who authorized the payment? We have the solemn, often reiterated declarations of Wendell that it was his own money; that neither directly nor indirectly, in any manner, shape, or form, was it the money of the government, or paid under its direction, or with its knowledge, or with the promise of reimbursement. Surely upon this testimony, a lifetime service for his country, a hitherto unimpeached character, an election to the highest office in the world by the suffrages of the American people, will weigh down a charge from such foul and corrupt sources. Every cabinet officer examined has sworn in the most solemn manner to the contrary. Every democrat who voted against his party on the Lecompton issue, who has been examined, disproves the charge of improper influence having been brought to bear upon him to gain his vote upon the passage of the bill. Mr. Cox, of Ohio, denies it. Mr. Horace F. Clark says:

"The President argued with me in favor of the admission of Kansas under the Lecompton constitution, upon the ground that her admission would quiet the slavery agitation and give repose to the country. And in answer to the suggestion that the Lecompton constitution was a fraud, his reply was that if so it would be a harmless one, because, in his judgment, the people of Kansas could change their

constitution, if obnoxious to them, whenever they saw fit. It impressed me that this was a dangerous doctrine. I was not ready to concede the right of the people of a State to change their constitution, except in the mode pointed out by the constitution itself, andI could not acquiesce in the doctrine. He also pressed upon my attention the additional ground that the rejection of the application of Kansas for admission under the Lecompton constitution might lead to dissolution of the Union. I became perfectly impressed with the sincerity of Mr. Buchanan's belief that the existence of the Union would be endangered unless Kansas was admitted *under the Lecompton constitution.* At one of the interviews I had with the President a distinguished senator of one of the southern States was present, and he made remarks calculated to impress upon my mind the belief that one southern State at least would secede from the Union unless Kansas was admitted unqualifiedly under the Lecompton constitution. Without expressing myself very decidedly upon the subject, I made up my mind to take the hazard and not vote for the bill. I thought the President had reached an incorrect conclusion upon insufficient grounds. Among other facts stated by the President was this: that one southern State, Alabama, had passed a law imperatively requiring the assembling of a State convention with a view to secession, in the event of the rejection of the application of Kansas for admission under the Lecompton constitution. And the appeal was, I thought, very properly made to me, as the representative of a district containing a very large amount of capital, that repose to the country ought to be obtained even at a very considerable sacrifice of individual opinion. I could not accede to the arguments which were addressed to me. But yet I will say that no efforts were made by the President improperly to influence my action; nor was a single word said to me by him which I think it was not his privilege and his duty to have said to me under the circumstances."

Mr. Haskin says: "The President expressed a great deal of regret that I should take ground against him, saying that, from forty years' political experience, he was satisfied that any man who went against the administration of his party would be without the pale of his party, and that would be an end of him politically. He said that he appreciated my frankness; but no inducements were held out by the President except those of friendly argument."

Mr. Adrain and Mr. Hickman were not examined.

On the —— day of ——, Mr. Hoard, of New York, moved the appointment of a committee to investigate whether the President had ever made improper propositions to those gentlemen and to Mr. Haskin on this subject, and the committee was appointed, Mr. Hoard being placed at the head. Subsequently a notice was made in this committee to summon Mr. Adrain and Mr. Hickman. The undersigned opposed it on the ground that the special authority to Mr. Hoard's committee was the exclusion of the general authority to the Covode committee, and on the vote, the chairman voting with the undersigned, the notice to summon these witnesses failed. From all these suggestions the undersigned submits that the charge is not sustained, but is untrue and libellous.

FIFTH.—*Mail contracts.*

Among other persons who appeared before the committee as prosecutors against the administration were William Chase Barney and Elwood Fisher. The charge of the former is that the Postmaster General refused to consider his proposals for carrying the mails of the United States from New York, *via* the Isthmus, to San Francisco. He was underbid by one Johnson, a man like Barney, of no means, and an adventurer whose sole aim was to dispose of the contract at a profit. Having advertised for contracts, the Postmaster General awarded it to the lowest bidder whose proposals were guaranteed, and that happened to be Johnson. With a most commendable prudence, the Postmaster General, in anticipation of Johnson's failure of performance, which, from the subsequent correspondence, to foresee required no extraordinary sagacity, and of which even Chase Barney had no doubt, entered into a provisionary contract with Mr. Vanderbilt to supply the mails. It was fortunate that he did so. It resulted as all parties had foreseen; and Mr. Vanderbilt, at the last moment, came forward to prevent a failure in the regular communication between the Atlantic and our distant possessions on the Pacific. It is difficult to perceive in what manner William Chase Barney was aggrieved. One cause of complaint was that the Postmaster General had violated the law in making a contract for carrying the mails with Mr. Vanderbilt, instead of contracting with Barney for the postage. Barney had neither money, nor credit, nor ships. He had no ability to carry out his contract had he succeeded; but he was at the mercy of others. Indeed, he had no idea of retaining any part of the line but that from New York to Havana; and in this matter he was acting as the paid lobby agent of others. But the letter of the Postmaster General is so clear and so conclusive that, while the undersigned refers the House to that and the other documentary evidence printed by the Senate, and here appended as illustrations of the propriety of conduct on the part of that distinguished and exemplary officer, he feels that he owes an apology to the House for detaining it so long on a subject so trifling.

SIXTH.—*The Tehuantepec route.*

On this point the undersigned refers the House to the documents printed in the last Congress upon the call of the Senate. The two discourses of Mr. Elwood Fisher, who seems to have taken extraordinary pains to convince the world that he did not appear as a voluntary witness, are very long, but are completely refuted as to any charge of blame against the administration by the clear and concise testimony of Senator Benjamin.

The variety of subjects investigated before the committee precluded the possibility of the undersigned dilating at length upon any of them. The subject of the expenditure of money in elections was barely touched upon, and after the *quasi decision* of the House in the Schell case was not resumed. It is obvious that it is habitual with

all parties to employ money in carrying elections, in publishing documents, and defraying expenses. There were frauds in Pennsylvania with both of the great parties. Such as were proved cannot too severely be condemned. But as, in the opinion of the undersigned, the remedial measures are alone in the power of the State government, he has no suggestion to make to this House therefor.

There were proved irregularities in the navy yard at Philadelphia. This subject has been thoroughly examined by a board convened under the direction of the Secretary of the Navy, to whose report, already before the House, the undersigned respectfully refers, and the whole subject will undoubtedly claim the attention both of the department and the Congress.

There were also reprehensible irregularities in some of the post offices and custom-houses, chiefly in the minor appointments, by the chiefs of those offices, as will be found in the testimony at length. They were not at all proved to have been in the knowledge of the President or any member of his administration, and doubtless if they had been called to their attention, would have been corrected to the extent of their powers. No government has ever yet existed in which the executive branch has been able to secure everywhere faithful and trustworthy agents. In a country as extensive as is ours, it is hardly to be expected that we could be more successful than other people. We must expect occasional breaches of duty, occasional betrayal of trusts, so long as our present imperfect nature exists. When abuses occur it is our duty to rectify them as speedily and as effectually as we can. But when we come to review this whole proceeding, the illimitable field of inquiry, the large power conferred upon this committee, its long and laborious investigation, it is a cause of congratulation that the misappropriation of not a dollar of the public moneys by the Executive has even been hinted at, much less proved; that no extravagance has been fixed upon that branch of the government; that no proof has been made that the President has ever interfered with the execution of any law, or failed or refused to execute any statute—a conclusion as agreeable to the true patriot as it may be disagreeable to the malignant partisan.

It is a fact well known to this House that in all the messages which the President has transmitted to the houses of Congress, from time to time, he has invoked scrutiny into all branches of the public service, and has promised to second any and all efforts which the legislature might deem it proper to take to secure a faithful administration of the public affairs; and the undersigned is confident, from the record of his past life and faithful services, he has stood, and still stands ready to redeem these pledges.

In conclusion, as the majority of the committee has not thought proper to introduce articles of impeachment or censure, the undersigned is strengthened in the opinion that the whole intent of the resolution was to manufacture an electioneering document. At all events, the failure to take such action is a clear indication on the part of the majority that none was justified by the evidence, in which opinion the undersigned fully concurs.

WARREN WINSLOW.

THIRTY-SIXTH CONGRESS, FIRST SESSION.

CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES,
March 5, 1860.

On motion by Mr. Covode,

Resolved, That a committee of five members be appointed by the Speaker for the purpose of investigating whether the President of the United States, or any other officer of the government, has, by money, patronage, or other improper means, sought to influence the action of Congress, or any committees thereof, for or against the passage of any law appertaining to the rights of any State or Territory; and also to inquire into and investigate whether any officer or officers of the government have, by combination or otherwise, prevented and defeated, or attempted to prevent or defeat, the execution of any law or laws now on the statute-books, and whether the President has failed or refused to compel the execution of any law thereof; that said committee shall investigate and inquire into the abuse at the Chicago or other post offices, and at the Philadelphia and other navy yards, and into any abuses in connexion with the public buildings and other public works of the United States.

Resolved, further, That as the President, in his letter to the Pittsburg centenary celebration of the 25th November, 1858, speaks of "the employment of money to carry elections," said committee shall inquire into and ascertain the amount so used in Pennsylvania, and any other State or States, in what districts it was expended, and by whom, and by whose authority it was done, and from what sources the money was derived, and report the names of the parties implicated. And for the purposes aforesaid said committee shall have power to send for persons and papers and to report at any time.

The Speaker appointed Messrs. Covode, of Pennsylvania, Olin, of New York, Winslow, of North Carolina, Train, of Massachusetts, and J. C. Robinson, of Illinois.

Attest:

J. W. FORNEY,
Clerk.

JOURNAL OF COMMITTEE.

WASHINGTON CITY, D. C.,
Tuesday, March 20, 1860.

The committee met upon call of its chairman. All the members present.

The chairman laid before the committee the following from the Clerk's office, which was ordered to be placed upon the journal:

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The Speaker appointed Messrs. Covode, of Pennsylvania, Olin, of New York, Winslow, of North Carolina, Train, of Massachusetts, and J. C. Robinson, of Illinois.

Attest:

J. W. FORNEY,
Clerk.

After some time spent in consultation,

The committee adjourned until 10 o'clock a. m., on Thursday, 22d instant.

WASHINGTON, *March* 22, 1860.

The committee met pursuant to adjournment. Present: the Chairman, and Messrs. Olin, Train, and Robinson.

The following witness was examined:

No. 1. Cornelius Wendell, Washington.

Without concluding the examination of the above witness, the committee adjourned till to-morrow morning at 10 o'clock.

WASHINGTON *March* 23, 1860.

The committee met pursuant to adjournment. All the members present.

The following witnesses were examined:

No. 1. Cornelius Wendell, (continued.)
No. 2. J. B. Guthrie, Treasury Department.

The Chairman of the committee was authorized to request from the Hon. Preston King, (United States Senate,) the minutes of Mr. Wendell's testimony before the special committee of that body of which he is the chairman, for the use of this committee.

The Chairman was also authorized to address the following letter to the Secretary of the Treasury:

HOUSE OF REPRESENTATIVES,
Friday, March 23, 1860.

SIR: Will you have the kindness to inform the select committee, of which I am the chairman, whether one George W. Baker is now, or has been, employed in the custom-house at Philadelphia; and if so, for what length of time, in what capacity, and at what compensation?

I have the honor to be, yours respectfully,
JOHN COVODE, *Chairman.*

HON. HOWELL COBB,
Secretary of the Treasury.

Ordered, That Wm. Blair Lord, of New York city, be the clerk and stenographer of this committee.

Adjourned to 10 o'clock a. m., on Monday next.

MONDAY, *March* 26, 1860.

The committee met pursuant to adjournment. All the members present.

The following witness was examined:

No. 1. Cornelius Wendell, (continued.)

Adjourned till to-morrow at 10 o'clock a. m.

TUESDAY *March* 27, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Winslow, Train, and Robinson.

The Chairman laid before the committee a communication from the Treasury Department, in reply to one from the chairman of the committee of the 23d instant.

The communication is as follows:

TREASURY DEPARTMENT, *March* 24, 1860.

SIR: I have received your letter of the 23d instant, requesting to be informed whether "George W. Baker is now employed in the

custom-house at Philadelphia; and if so, for what length of time, in what capacity, and at what compensation."

In reply, I have to state that it appears by records of this department that Geo. W. Baker was appointed a clerk to discharge the duties of assistant cashier, at a salary of $1,200 per annum, on the 15th November, 1858, vice John Goodyear promoted, and that he has continued to, and does now, occupy that position at the same rate of salary.

I have the honor to be, very respectfully,

HOWELL COBB,
Secretary of the Treasury.

Hon. JOHN COVODE,
Chairman of Select Committee of the House of Representatives.

Cornelius Wendell submitted to the committee an additional portion of the minutes of his testimony before the Senate select committee, but the committee decided not to resume his further examination until they could obtain the whole of said testimony.

The following witnesses were examined :

No. 3. William Pettibone, Washington.

No. 4. C. Alexander, Washington.

Adjourned to 10 a. m. to-morrow.

WEDNESDAY, *March* 28, 1860.

The committee met pursuant to adjournment. All the members present.

The following witness was examined :

No. 5. Augustus Schell, New York.

Adjourned to 10½ a. m. to-morrow.

THURSDAY, *March* 29, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Olin, Winslow, and Robinson.

The following witness was examined :

No. 5. Augustus Schell, (continued.)

Adjourned to meet on call of chairman.

MONDAY, *April* 2, 1860.

The committee met upon call of the chairman. Present: the Chairman, Messrs. Olin, Winslow, and Train.

Adjourned to 10 a. m. to-morrow.

TUESDAY, *April* 3, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Olin, Train, and Winslow.

The following witnesses were examined:
No. 5. Augustus Schell, (continued.)
No. 6. S. F. Butterworth, New York.

The Chairman was authorized, upon motion of Mr. WINSLOW, to request from Hon. Preston King, (United States Senate,) the minutes of the testimony of William Pettibone, given before the select committee of that body, of which he is chairman, for the use of this committee.

Adjourned to 10 a. m. to-morrow.

WEDNESDAY, *April* 4, 1860.

The committee met pursuant to adjournment. All the members present.

The following witnesses were examined:
No. 5. Augustus Schell, (continued.)
No. 6. Samuel F. Butterworth, (continued.)
No. 7. James O'Reiley, New York.

On motion of Mr. WINSLOW, the chairman was instructed to request the Attorney General of the United States to transmit to this committee the original letter, on file in his office, of Wm. Pettibone to the President of the United States, upon the subject of giving out the executive binding.

The committee proceeded to consider the proper course to be pursued in relation to the refusal of Augustus Schell, a witness before this committee, to furnish a list of the names of the subscribers to the New York Hotel electioneering fund, referred to in his testimony.

After some discussion, the further consideration of the subject was postponed until to-morrow morning.

Adjourned till 10 a. m. to-morrow.

THURSDAY, *April* 5, 1860.

The committee met pursuant to adjournment. All the members present.

The following witnesses were examined:
No. 1. Cornelius Wendell, (continued.)
No. 8. Richard Schell, New York.

Mr. OLIN moved that the chairman be instructed to present to the House the following special report, and recommend the adoption of the resolution accompanying the same:

The select committee, of which Mr. John Covode is chairman, appointed under resolution of the House of Representatives of March 5, 1860, *respectfully submit the following special report:*

That, during the progress of their investigation, they have summoned as a witnes Augustus Schell, collector of the port of New York, and that on the 28th ultimo, among others, the following questions were pro-

pounded to said Schell, and the following answers severally made to the same by him, to wit:

"Question. Were you connected with what was known as the New York Hotel fund prior to the election of 1856?

"Answer. I was a member of the committee which met at the New York Hotel.

"Question. Was there a fund created by the efforts of that committee?

"Answer. Yes, sir.

"Question. Have you a list of the subscribers to that fund?

"Answer. I think I have it among my papers.

"Question. Will you furnish it to the committee?

"Answer. I will.

"Question. What amount was raised by subscription?

"Answer. I cannot recollect distinctly; some $30,000 or $40,000.

"Question. Where was that money expended, substantially?

"Answer. In different places; part of it was sent to Pennsylvania, and part of it was expended in New York, both the city and State; at least, I suppose so; I did not expend it myself.

"Question. When will you furnish this subscription list to the committee? Can you send for it?

"Answer. I cannot well send for it; I can get it when I return home, and will send it on next week."

On the day following the witness again appeared before your committee, and asked leave to withdraw so much of his testimony given the day before as related to his furnishing your committee the list of subscribers to the New York Hotel fund, so called. He also submitted to your committee a written statement, which closed as follows:

"I am not certain that I have in my possession any list of the contributors of the moneys; but if I have such list, I must, on reflection, decline to produce it, feeling that such production, without the authority of the persons whose names may be connected with it, would involve a breach of the implied confidence recognized as existing in such cases."

On the 3d instant said Schell again appeared before your committee, when the following questions were propounded to him, and the following answers severally returned to the same, to wit:

"Question. The committee have given you abundance of time to reflect on this subject. They think they have the power to compel the production of that paper. What we want to know now is, whether you are going to furnish it or not.

"Answer. With all due respect to the committee, I have reflected upon it since the time of my former examination, and in my opinion the power was not given to the committee to ask for the production of a paper entirely private in its character.

"Question. The committee differ with you in opinion. They desire now to know whether you will or will not furnish that paper.

"Answer. I see no reason to change my opinion in reference to it.

"Question. You say, then, that you will not produce that paper?

"Answer. I decline to do so for the reasons I have stated, supposing it to be in my possession; I do not know even that it is, as I stated in my original examination.

"Question. You do not decline, as I understand you, to produce that paper because you were not summoned to bring it, but because of the alleged want of power in the House of Representatives to compel you to produce a private paper.

"Answer. I decline to produce it because I think this committee have no power to order the production of it, if it is in my possession."

Your committee, regarding that paper as material to the proper investigation of the matters referred to them by this House, have concluded that it is the duty of your committee to insist upon the production of the paper by the witness, if within his possession or control. And your committee respectfully submit to this House that it is a contempt of the authority of this House, on the part of the witness, to refuse to answer to every material fact within his knowledge, and especially to refuse to produce a paper required by your committee. Believing that this House is clothed with power to order the party into custody, there to remain until released by the same authority, your committee recommend the adoption of the following resolution:

Resolved, That the Speaker issue his warrant, directed to the Sergeant-at-arms, commanding him (the said Sergeant at-arms) to take into custody the body of the said Augustus Schell, and the same forthwith to bring before this House, at the bar thereof, to answer as for a contempt of the authority of this House in refusing to produce a paper when thereunto required by a committee of this House.

JOHN COVODE, *Chairman.*
A. B. OLIN.
CHAS. R. TRAIN.

The question being taken upon the motion of Mr. OLIN, it was agreed to, as follows:

Yeas—The Chairman, Messrs. Olin, Train, and Robinson.

Nay—Mr. Winslow.

On motion of Mr. WINSLOW, the unanimous consent of the committee was given that he (Mr. W.) be allowed to present to the House the following as the views of the minority of the committee upon the subject embraced in the special report:

The undersigned dissents from the views of the majority of the select committee.

The resolution of the House, the last in the series referred to this committee, it is true, is very large in its terms, and might seem, from a cursory examination, to impose upon the committee the very onerous duty of investigating every election held in each State of the confederacy, the money expended therein, the subscriptions made, and by

whom, and for what purpose; whether such purpose and expenditure were corrupt, or otherwise.

But the undersigned submits, upon general reasoning, and upon the face of the paper, and consideration of the terms in which it concludes, that such is not the true construction, and hence not the intent of the House.

Without stopping to inquire into the propriety of attempting by law to prevent any interference with the elective franchise by the use of money in printing and distributing political tracts and documents; in supporting and establishing presses as vehicles for the communication of particular political opinions among the people, and of defraying the expenses of public meetings and assemblies, as practiced and pursued in every section of the country, without corrupt intent, an inquiry into which the undersigned does not choose to enter, it may well be questioned, in view of the general sentiment of the country, the peculiarity of our institutions, and the principle of free speech and a free press, whether such an attempt would be wise, proper, or expedient. Indeed, it may be doubted whether Congress has any right whatever to enact laws to punish bribery at elections in the States, or to suppress, by laws remedial or otherwise, any corrupt means or measures taken to influence them, and whether that power is not peculiarly and exclusively the legitimate duty of the several States under the second section of the first article of the Constitution.

However this may be, still, granting it for the sake of the argument, the undersigned submits that this House has no authority to inquire into the private contributions of any person whatever towards such a purpose unless it be first determined that such purpose was corrupt; and that such inquiry would be a wanton and improper interference with the just privileges of the citizen, subversive of the rights of the people, tending to an undue and dangerous concentration of power in the legislative branch of the government, to a derogation of the dignity of the House, by converting it into an odious inquisition, and thus diminishing the public confidence in its action and character.

For what reason would this House institute such inquiry? Suppose the names of such subscribers reported to the House, what measures could the House be advised to take? Is it a crime to spend money, legitimately, to influence elections? What public statute would thereby be violated? Under what law could a person so accused be put to answer? And what jurisdiction has this House to institute investigations, unless in aid of legislation, which by the argument it has no authority to make, or with a view to impeachment?

That the House so thought is apparent from the order it gives, that the "names of the parties *implicated*" should be reported.

The resolution contemplates, then, a report only of those who have done a wrong act—that is, a corrupt one—and does not authorize the report of any others. Augustus Schell was required to produce to the committee a list of the names of the persons subscribing to a fund

which, it was alleged, was contributed towards defraying the expenses of an election in Pennsylvania. He declined to produce it.

The undersigned submits that he was not bound to produce it until it was first determined that the subscribers had contemplated a corrupt use of the fund, or had corruptly expended it. Until then, conceding the authority of the House for argument, neither he nor they had committed either a wrong or a crime, nor had done any act of which this House should or can take cognizance.

To compel the witness to answer would, then, be but for the gratification of an idle curiosity, which, in the case of the House, it is not decorous to suppose, or to elicit by illegitimate means a supposed legitimate result—a doctrine which the law of no free people could justify or admit.

And it indeed would, in the opinion of the undersigned, give much plausibility to the captious, who might charge the design and scope of the whole resolution to be, to do the very act and thing it seems to deprecate, and thus subject this House to an improper and unnecessary criticism of its motives.

The undersigned might well stop here, but the importance of the subject justifies a fuller discussion.

The House of Representatives is invested with high powers, but these powers are accurately defined and strictly limited by the Constitution, which, while it protects the House in the exercise of its constitutional function, does not the less guard and secure the rights of individual citizens and of the States.

Hence it is obvious that inquiries by the House into the act of individual citizens in the States, if made at all, must be made of objects within its jurisdiction.

It may, in the *first* place, act on individual persons, private citizens, or others in the maintenance of its own parliamentary prerogatives; *secondly*, it may inquire into facts in order to legislate thereon; and *thirdly*, it may investigate the conduct of public officers with a view to their impeachment before the Senate.

The particular fact as to which Augustus Schell has been called to testify, and for not responding to which it is proposed to arraign him, has no relation to the parliamentary prerogatives of the House. No evidence exists that the money contributed through him was employed to affect corruptly its official action; no question of the legality of the election of any of its members or officers is involved, nor, indeed, of *their* official conduct. Of course the inquiry proposed cannot be justified on that ground.

If it be conceded, for the argument's sake, that Congress has any power to legislate on this subject, and the assumed object of the inquiry be to assist the House in such legislation, then it is not at all material to that object to ascertain from Augustus Schell what persons contributed the money which he delivered to the Pennsylvania central committee. The fact who those subscribers are can hardly aid the committee in the preparation of a bill. It can have no possible effect in enlightening the House in the performance of any of its legislative functions under the Constitution.

Again: if the object be to provide for the punishment of a public officer, then it must commence with suggestions of some breach of duty by such officer, and must proceed in those recognized forms which the law has sanctioned and adopted, consonant with the universal principles of justice and right. But Augustus Schell was no public officer, but a mere private citizen at the time of receiving this money; and further, it is not suggested that he received it from any public officer. And if he or any one of the contributors had been a public officer, what law did he violate?

This House cannot impeach except for acts made criminal by law, as the undersigned understands the law to be now well settled. And what provision of the Constitution, of any law, statute, or act of Congress, or even of usage or custom, is there to punish the act here inquired into, even if done by a public officer? None whatever; and if there were any such law, and the infringement of it were imputable to any public officer as cause of impeachment, he himself cannot be interrogated thereto.

No public officer of these States, from the President to a village postmaster, can be required to furnish evidence whereby to be impeached.

Like all others, they are presumed to be innocent until proved guilty, and it is their undeniable right to stand upon this presumption. The House oversteps its power in calling upon a public officer to communicate to it self-accusatory matter on which to found an impeachment before the Senate. But no public officer being concerned, and no unlawful act imputed to any public officer in the premises, the proposed inquiry becomes an act of highhanded usurpation, and of odious violation of the personal rights of the citizens. The contributors are to be presumed to have acted from right motives—for lawful and honorable purpose. Nothing to the contrary of that has been proved or suggested.

If anything unlawful has been done by those individuals in Pennsylvania to whom the money was delivered, they, and they only, are responsible for the wrong, if any was committed. But neither they, if they unlawfully disbursed the money they received, nor still less they who contributed the same, are amenable therefor to this House. This House is not a court, nor is it a public prosecutor. If these parties have committed a wrong, or an offence against the law of the land, they are to be tried by the law which acts with juries, and all those other safeguards which the Constitution assures to its meanest citizen.

In fine, the undersigned verily believes that except for the gratification of purposes of mere party spirit, thus to pursue those purposes is a procedure of invidious inquisition into the innocent conduct of private persons, and cannot, in the end, be of any advantage to one party, nor injure the other. In this point of view, it would be wholly indifferent to the undersigned, if it were not in its nature, as he believes, discreditable to the House, to the institutions, and to the reputation of the people of the United States.

But he feels himself impelled to protest against it by the higher

consideration, that it involves flagrant usurpation on the part of the House, and violation of the rights and liberties of the people, and of the whole spirit of the Constitution.

For these reasons the undersigned is of opinion that the witness is not compellable to produce the list, nor answer questions as to its contents.

On motion of Mr. WINSLOW, it was

Ordered, That the Printer of the House be directed to print, for the use of this committee, twenty copies of the resolutions of the House of Reresentatives of March 5, 1860, under which this committee are acting.

Adjourned to 10 a. m. to-morrow.

FRIDAY, *April* 6, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Train, Winslow, and Robinson.

Mr. ROBINSON moved to reconsider the vote of the committee of yesterday agreeing to the special report of the committee in the case of Augustus Schell.

Mr. ROBINSON said that, while he agreed with the majority of the committee in their construction of the resolution under which the committee were acting, upon reflection he had serious doubts concerning the power of the House to clothe any committee with the power embraced by the second resolution authorizing the appointment of the committee.

Mr. WINSLOW said that it was not in order to move a reconsideration in a committee. He would, however, move that Mr. Robinson have leave to withdraw his name from the majority report, and to sign the report of the minority with a *protestando*, or to submit his own views separately to the House.

The motion was agreed to.

On motion of Mr. TRAIN, the Chairman was instructed to apply to the Treasury Department for copies of the contract made with Messrs. Mather, Bixby, McIntire, and others, of New York, for doing the work in the public stores in that city, together with all modifications of that contract, and all subsisting contracts, and all correspondence or propositions from other persons to the department in relation to doing the work embraced in the said contracts.

The following witnesses were examined:

No. 9. George H. Purser, New York.

No. 10. George W. Baker, Philadelphia.

Adjourned to 10 a. m. to-morrow.

SATURDAY, *April* 7, 1860.

The committee met pursuant to adjournment. All the members present.

The following witness was examined:

No. 11. Alexander H. Evans, Washington city.
Adjourned to 10 a. m. on Monday next.

MONDAY, *April* 9, 1860.

The committee met pursuant to adjournment. All the members present.

The Chairman laid before the committee the following communication from the Attorney General's office :

ATTORNEY GENERAL'S OFFICE, *April* 7, 1860.

SIR: In reply to your letter requesting me to transmit from the files of my office a certain original letter of William Pettibone, I have to say that the letter you mention is a part of the records of this office; it must remain here, and cannot be converted to the "use of said select committee," as you desire it to be. The safe custody of the paper in question is of great importance, inasmuch as it will probably be needed in certain criminal proceedings hereafter to be instituted. But you shall have a regularly certified copy of it, if that will serve your purpose; or the clerk having it in charge may take the original, exhibit it to the committee, and return it again to its proper place. Mr. A. Roane is the clerk whom it will be necessary to subpœna with the *duces tecum*, if you desire to see the original.

Respectfully, yours, &c.,

J. S. BLACK.

Hon. J. COVODE,
Chairman Select Committee, House of Representatives.

The following witness was examined :
No. 6. Samuel F. Butterworth, (continued.)
Adjourned to 10 a. m. on Wednesday next.

WEDNESDAY, *April* 11, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Olin and Train.

The Chairman was instructed to apply to the Treasury Department for copies of all or any communications of the collector of the port of Philadelphia nominating George W. Baker to any office in the Philadelphia custom-house, or in relation thereto, and the action of the Secretary of the Treasury thereon; also copies of all the monthly oaths, certificates, or vouchers, if any, made by George W. Baker in order to draw his salary.

The committee then proceeded to the examination of the following witness:

No. 12. Isaac V. Fowler, New York.

After the examination had been continued a short time—
Mr. WINSLOW appeared and stated that he desired to enter his pro-

test against the examination of witnesses while he was obliged to be absent.

Mr. OLIN said that it was at the earnest solicitation of Mr. Fowler that the committee had commenced his examination. But if Mr. Winslow felt any great solicitude about it, he had no doubt the committee would consent to suspend his examination until such time as Mr. Winslow could be present.

Mr. WINSLOW said that the only solicitude he felt was about his own reputation. He asked that the committee examine no more witnesses until 12 o'clock m.

The question being taken, the committee accordingly took a recess until 12 o'clock.

At 12.40 p. m. the committee were again called to order—all the members being present.

The examination of Mr. Fowler was resumed.

The following witnesses were also examined:

No. 13. John Ready, New York.
No. 14. John C. Elliott, New York.
No. 15. Adam Wegmann, New York.
No. 16. James Owens, New York.

Adjourned to 10 a. m. to-morrow.

THURSDAY, *April* 12, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Olin, Winslow, and Train.

The following witnesses were examined:

No. 17. W. B. Shaw, New York Herald.
No. 18. James C. Vandyke, Philadelphia.
No. 19. George W. Bowman, Washington.

Adjourned to 10½ a. m. to-morrow.

FRIDAY, *April* 13, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs Winslow and Robinson.

The examination of the following witness was commenced:

No. 20. George Plitt, Philadelphia.

The examination proceeded until the witness was asked how much money he, as treasurer of the democratic State central committee, had disbursed in Pennsylvania in 1856.

Mr. WINSLOW objected to the witness answering the question.

After some discussion the committee took a recess.

At 2 p. m. the committee again met.—Mr. Winslow absent.

The committee resumed the consideration of the question propounded to Mr. Plitt, to which Mr. Winslow objected this morning, and after some discussion it was determined that the witness should answer the question.

Yeas—The Chairman, Messrs. Olin and Train.

Nay—Mr. Robinson.

The examination of the witness was then continued and concluded
The following witness was also examined:
No. 21. Isaac West, Towsontown, Maryland.
Adjourned to 10 a. m. on Monday next.

MONDAY, *April* 16, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Olin and Winslow.

The Chairman laid before the committee a communication from the Treasury Department, transmitting copies of papers concerning George W. Baker, asked for by the committee on the 11th instant; also copies of papers asked for by committee on the 6th instant, in relation to contract with certain parties in New York to do the work in the public stores in that city.

Adjourned to 10 a. m. to-morrow.

TUESDAY, *April* 17, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Olin, and Winslow.

The following witnesses were examined:
No. 22. B. F. Slocumb, Washington.
No. 23. J. L. Cramer, Washington.
No. 24. Nicholas Vedder, Washington.
No. 25. Robert J. Walker, Washington.
Adjourned to 10 a. m. to-morrow.

WEDNESDAY, *April* 18, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Olin and Robinson.

The following witnesses were examined:
No. 26. Ellis B. Schnable.
No. 27. Thomas C. McDougal, Harrisburg, Pa.
No. 28. John J. McElhone, Philadelphia.
No. 25. Robert J. Walker, (recalled.)
Adjourned to 10 a. m. to-morrow.

THURSDAY, *April* 19, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Olin and Winslow.

On motion of Mr. WINSLOW, it was ordered that the clerk of this committee be directed to insert the following in the journal of the committee:

"Mr. WINSLOW. I understand that on the 17th of April, 1860, certain interrogatories were prepared by the Chairman, and handed, by his direction, by the clerk to the witness, Schnabel, to be replied to when he was examined. This was not by the direction of the committee, nor were the said interrogatories ever authorized by any vote

of the committee; and I understand now from Mr. Olin that he was not apprised of the fact. I desire this statement to be placed upon the records of the committee.

"At Mr. Olin's suggestion it was here stated that on Wednesday, (April 18,) a quorum being present, the witness (Schnabel) appeared and produced the said interrogatories and his answers as recorded on that day, there being present the Chairman, Mr. Olin, and Mr. Robinson."

Mr. WINSLOW also stated that he desired a copy of the first day's examination of Gov. Robert J. Walker, for his use in the House; and on his motion it was

Ordered, That the clerk of this committee be directed to prepare a copy of the first day's examination of Gov. Robert J. Walker for the use of Mr. Winslow.

Mr. WINSLOW also moved that the practice of requiring witnesses to sign their testimony be hereafter discontinued; that the clerk of this committee be directed to retain in his own possession hereafter the records of this committee of every kind, unless otherwise directed by this committee. Agreed to.

The following witnesses were then examined :

No. 29. S. B. Blanchard, Washington.
No. 30. William F. Bayly, Washington.
No. 31. Valentine Blanchard, Washington.
No. 32. W. E. Kennaugh, Washington.
No. 33. John Wagner, Washington.
No. 34. A. Roane, Washington.
No. 35. J. S. Black, Attorney General.
No. 18. James C. Vandyke, (recalled.)

On motion of Mr. WINSLOW, it was

Ordered, That the clerk of this committee be directed to place in the hands of Attorney General J. S. Black, for perusal, the minutes of the testimony of Ellis B. Schnabel, as given before this committee on the 18th instant; also the minutes of his own testimony as given this day, for revision.

Adjourned to 10 a. m. to-morrow.

FRIDAY, *April* 20, 1860.

The committee met pursuant to adjournment. Present : the Chairman, Messrs. Olin and Winslow.

Adjourned to 10 a. m. on Monday next.

MONDAY, *April* 23, 1860.

The committee met pursuant to adjournment. Present : the Chairman, Messrs. Olin, Winslow, and Robinson.

The following witnesses were examined :

No. 3. William Pettibone, (recalled.)
No. 36. A. R. Quantrille, Washington.

On motion of Mr. OLIN, it was

Ordered, That in any debate that might arise in the House concerning matters relating to this committee, any member of the committee shall be at liberty to refer to and use any of the records of this committee.

Adjourned to meet on call of the chairman.

WEDNESDAY, *April* 25, 1860.

The committee met upon call of its chairman—all the members present—at 11 a. m.

Adjourned to 11 a. m. to-morrow.

THURSDAY, *April* 26, 1860.

The committee met pursuant to adjournment. Present : the Chairman, Messrs. Olin, Train and Winslow.

Mr. Robinson subsequently appeared, pending the examination of Mr. Bean.

The following witnesses were examined :

No. 37. Thomas L. Clingman, United States Senate.

No. 38. M. P. Bean, Frémont, Ohio.

Pending the examination of Mr. Bean, the following question was asked him :

"Question. Did you not receive a check from Mr. Cornelius Wendell for $5,000 a very short time before the English bill was passed?"

Mr. WINSLOW objected to the question, on the ground that in its present form it did not indicate any connexion with the subject under investigation.

The question was taken, after discussion, upon requiring the witness to answer it, when it was decided in the affirmative—yeas 3, nay 1, as follows :

Yeas—The Chairman, Messrs. Olin and Train.

Nay—Mr. Winslow.

The witness asked until to-morrow morning to decide whether or not he would answer the question ; and also requested that a copy of the question, in writing, might be given to him.

The clerk of the committee was accordingly directed to give the witness the following question in writing :

"Question. Did you not receive a check from Mr. Wendell for $5,000 a very short time before the English bill was passed ; and if so, upon what consideration, and for what purpose was it paid to you?"

The further examination of the witness was then postponed until to-morrow.

Adjourned to 11 a. m. to-morrow.

FRIDAY, *April* 27, 1860.

The committee met pursuant to adjournment. All the members present.

The following witness was examined:

No. 38. M. P. Bean, (continued.)

On motion of Mr. OLIN, it was

Ordered, That Mr. Winslow be allowed to take possession, until the next meeting of this committee, of the manuscript of the second day's examination of Robert J. Walker.

Adjourned to 11 a. m. on Monday next.

MONDAY, *April* 30, 1860.

The committee met pursuant to adjournment. All the members present.

The following witnesses were examined:

No. 39. Samuel Medary, Kansas.

No. 38. M. P. Bean, (recalled.)

No. 40. Graham N. Fitch, United States Senate.

At the request of Mr. Fitch, it was

Ordered, That the clerk of the committee be directed to hand to Mr. Fitch the manuscript of his testimony for his revision.

On motion of Mr. WINSLOW, it was

Ordered, That Mr. Winslow be allowed to take possession of the testimony of Cornelius Wendell until some future meeting of the committee.

Adjourned to 10 a. m. to-morrow.

TUESDAY, *May* 1, 1860.

The committee met pursuant to adjournment. All the members present.

The following witnesses were examined:

No. 41. Josiah M. Lucas, Postmaster of the House of Representatives.

No. 42. Stephen G. Dodge, Washington.

Pending the examination of Mr. Dodge,

Mr. WINSLOW objected to the witness making a verbal statement to the committee in the committee-room concerning some conversation he (the witness) had had with Governor Willard, of Indiana, relating to the reasons for the removal of the witness from a clerkship in the Pension office; the statement of the witness not being taken down by the stenographer of the committee as testimony.

After discussion, the question was taken upon allowing the witness to make his statement, and it was decided in the affirmative—yeas 3, nay 1, as follows:

Yeas.—The Chairman, Messrs. Train and Robinson.

Nay.—Mr. Winslow.

The examination of the witness was then concluded.
Adjourned to 10 a. m. to-morrow.

WEDNESDAY, *May* 2, 1860.

The committee met pursuant to adjournment. All the members present.
The following witnesses were examined:
No. 43. Sheldon McKnight, Detroit.
No. 44. Henry J. Alvord, Detroit.
Adjourned to 11 a. m. to-morrow.

THURSDAY, *May* 3, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Olin, Robinson, and Train. Mr. Winslow subsequently appeared during the examination of Mr. Wendell.
The following witnesses were examined:
No. 44. Henry J. Alvord, (recalled.)
No. 1. Cornelius Wendell, (recalled.)
Adjourned to 11 a. m. to-morrow.

FRIDAY, *May* 4, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Winslow and Train.
The following witnesses were examined:
No. 45. Matthew Johnson, Cleveland, Ohio.
No. 46. Thomas McDonough, Philadelphia.
No. 47. John H. Bryant, Philadelphia.
Adjourned to 10 a. m. on Monday next.

MONDAY, *May* 7, 1860.

The committee met pursuant to adjournment. All the members present.
The following witness was examined:
No. 48. S. M. Johnson, New York.
Adjourned to 10 a. m. to-morrow.

TUESDAY, *May* 8, 1860.

The committee met pursuant to adjournment. All the members present.
The following witnesses were examined:
No. 49. Charles E. Stuart, Kalamazoo, Michigan.
No. 50. W. C. N. Swift, New Bedford, Massachusetts.
Pending the examination of Mr. Swift, a discussion arose in the committee as to what testimony should be taken by them in relation to contracts for live-oak timber.

After some time spent in discussion,

On motion of Mr. WINSLOW, it was

Ordered, That this committee will use so much of the testimony taken by the special committee upon naval contracts and expenditures of the last Congress as may be adapted to the purposes of this investigation in relation to contracts for live-oak timber.

Also, on motion of Mr. WINSLOW, it was

Ordered, That Mr. Winslow be permitted to take possession, until some future meeting of the committee, of the testimony of S. M. Johnson, given on the 7th instant.

Adjourned to 10 a. m. to-morrow.

WEDNESDAY *May* 9, 1860.

The committee met pursuant to adjournment. Present: the Chairman, and Messrs. Train and Robinson. Mr. Winslow and Mr. Olin subsequently appeared.

The following witnesses were examined:

No. 51. Joseph Grice, of New York.

No. 52. Henry L. Martin, of Washington.

No. 53. A. J. Isaacs, Leavenworth, Kansas.

No. 54. Francis Grice, Philadelphia.

Adjourned to 10 a. m. to-morrow.

THURSDAY, *May* 10, 1860.

The committee met pursuant to adjournment. Present: the Chairman, and Messrs. Winslow, Train, and Robinson. Mr. Olin subsequently appeared.

The following witnesses were examined:

No. 55. Robert Darlington, Philadelphia.

No. 1. Cornelius Wendell, (recalled.)

Adjourned to 11 a. m. to-morrow.

FRIDAY, *May* 11, 1860.

The committee met pursuant to adjournment. Present: the Chairman, and Messrs. Winslow and Train.

The following witness was examined:

No. 56. Thomas P. Watson, Georgetown, D. C.

Adjourned to $10\frac{1}{2}$ a. m. to-morrow.

SATURDAY, *May* 12, 1860.

The committee met pursuant to adjournment. All the members present.

On motion of Mr. WINSLOW, it was

Ordered, That Mr. Winslow be permitted to take possession, until some future meeting of the committee, of the testimony of A. J.

Isaacs and H. L. Martin, taken on the 9th instant, and of the testimony of George H. Purser, taken on the 6th ultimo.

Adjourned to 10 a. m. on Tuesday next.

TUESDAY, *May* 15, 1860.

The committee met pursuant to adjournment. Present: the Chairman, and Messrs. Train, Winslow, and Robinson. Mr. Olin subsequently appeared during the examination of F. W. Walker.

On motion, it was

Ordered, That the testimony of George H. Purser, taken on April 6, be furnished to the select committee of which Hon. Mr. Barr is chairman.

The following witnesses were examined:

No. 57. William M. Browne, Washington.

No. 58. F. W. Walker, Brooklyn, New York.

Adjourned to 9½ a. m. to-morrow.

WEDNESDAY, *May* 16, 1860.

The committee met pursuant to adjournment. Present: the Chairman, and Messrs. Winslow, Train, and Olin. Mr. Robinson subsequently appeared during the examination of Mr. Schnabel.

The following witness was examined, Hon. J. S. Black being present by permission of the committee:

No. 26. Ellis B. Schnabel, (recalled.)

On motion by Mr. WINSLOW, it was

Ordered, That the testimony of F. W. Walker, taken on the 15th of May, and so much of the testimony of Cornelius Wendell of the 10th of May as refers to said Walker, be reported to the House, and that it be recommended to the House that the following resolution be adopted:

"*Resolved*, That F. W. Walker be expelled from the reporters' gallery of the House."

Adjourned to 9½ a. m. to-morrow.

THURSDAY, *May* 17, 1860.

The committee met pursuant to adjournment. Present: the Chairman, and Messrs. Train, Robinson, and Olin.

The following witnesses were examined:

No. 19. George W. Bowman, (recalled.)

No. 59. Thomas J. McCamant, Washington.

On motion, it was

Ordered, That Mr. Olin be instructed to offer the following resolution in the House of Representatives, and recommend its adoption:

"*Resolved*, That the select committee appointed under resolutions of this House of March 5, 1860, be authorized to employ a stenographer, at the same rate of compensation as that received by the Globe reporters; also, that said committee have leave, from time to time,

during the progress of their investigation, to have the testimony taken before them printed."

Adjourned to 9½ a. m. to-morrow.

FRIDAY, *May* 18, 1860.

The committee met pursuant to adjournment. All the members present.

On motion of Mr. WINSLOW, it was ordered that the clerk of this committee be directed to insert the following in the journal of the committee:

"Mr. WINSLOW. I was not present yesterday when Mr. Bowman was examined. I did not know that there would be any examination of witnesses, nor did I know Mr. Bowman was to be examined at all. There never was any order of this committee to summon him. I have repeatedly protested, and again protest, against the chairman summoning witnesses on his mere motion, without the consent of the committee and a record of such consent. Had I been present I should have objected to the examination of Mr. Bowman. I look in vain for any authority in the resolutions submitted to us to investigate newspaper attacks upon ourselves. I think the House has not charged us with that duty, and I think it derogatory to our dignity and self-respect to enter into such contests and investigations with editors of newspapers, having no reference to the subject-matter of our investigations."

The following witness was examined:

No. 60. Samuel B. Grice, Philadelphia.

Adjourned till half-past 10 a. m. to-morrow.

SATURDAY, *May* 19, 1860.

The committee met pursuant to adjournment. Present: the Chairman, and Messrs. Train and Winslow.

On motion of Mr. WINSLOW, it was

Ordered, That Mr. Winslow be permitted to take possession, until some future meeting of the committee, of the testimony of Francis Grice, taken on May 9, and the testimony of Samuel B. Grice, taken on May 18.

Adjourned to half-past 9 a. m. on Monday next.

MONDAY, *May* 21, 1860.

The committee met pursuant to adjournment. All the members present.

The Chairman laid before the committee the following from the Clerk's office:

"THIRTY-SIXTH CONGRESS, FIRST SESSION.

"CONGRESS OF THE UNITED STATES.

"IN THE HOUSE OF REPRESENTATIVES, *May* 18, 1860.

"On motion of Mr. OLIN, from select committee to investigate, &c.,

"*Resolved*, That the select committee appointed under resolutions of this House of March 5, 1860, be authorized to employ a stenographer, at the same rate of compensation as that received by the Globe reporters. Also, that said committee have leave, from time to time during the progress of their investigation, to have the testimony taken before them printed.

"Attest:

"J. W. FORNEY, *Clerk*."

It was, on motion,

Ordered, That Mr. Train, of this committee, be directed to take charge of the matter of Charles A. Dunham, a recusant witness—he having been summoned on the 11th of April to appear before this committee, and having failed to do so—and bring the same before the House for its action.

On motion by Mr. OLIN, it was

Ordered, That the clerk of this committee arrange the testimony already taken under the appropriate heads, and give the same in the printer's hands; and that the testimony hereafter taken be so arranged by the clerk and placed in the printer's hands as soon as practicable after the same shall be written out; and that the printer be hereby directed to print of the same, for the use of this committee, fifteen copies, and no more, which copies shall be delivered by the printer to the committee or its clerk: *Provided*, That said fifteen copies are not to be struck off until a proof-sheet shall have been first submitted to the committee for its revision.

Adjourned to 10 a. m. to-morrow.

TUESDAY, *May* 22, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Train, Winslow, and Robinson. Mr. Olin subsequently appeared.

The following witnesses were examined:

No. 61. Edwin G. Dill, Washington.

No. 62. William C. Barney, New York.

On motion of Mr. OLIN it was

Ordered, That the Postmaster General be called upon for copies of all the correspondence between the Post Office Department and William C. Barney, in relation to contracting to carry the mails between New York and New Orleans and San Francisco, and that a copy of the testimony of said Barney be furnished the Post Office Department.

On motion it was also

Ordered, That the Chairman of this committee be instructed to call upon Richard Smith, esq., president of the Bank of the Metropolis, Washington, D. C., for a copy of the draft of $4,000 to M. P. Bean, of April 12, 1858, together with all indorsements, transfers, &c., that have been made upon the same.

Adjourned to 9½ a. m. to-morrow.

WEDNESDAY, *May* 23, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs Train, Winslow, and Robinson.

The following witnesses were examined:

No. 61. Edwin G. Dill, (recalled.)

No. 62. William C. Barney, (recalled.)

No. 1. Cornelius Wendell, (recalled.)

Adjourned to 9½ a. m. to-morrow.

THURSDAY, *May* 24, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Olin, Train, and Winslow. Mr. Robinson subsequently appeared during the examination of Mr. Fisher.

The following witnesses were examined:

No. 63. Joseph B. Baker, Philadelphia.

No. 64. Elwood Fisher, Washington.

Mr. OLIN moved that the committee ask leave of the House to sit during the sessions of the House.

Mr. WINSLOW asked the yeas and nays on that motion, which, being taken, resulted as follows:

Yeas—The Chairman, Messrs. Olin and Train—3.

Nays—Messrs. Winslow and Robinson—2.

The motion was accordingly agreed to.

Permission was given to Mr. Winslow to take possession of the testimony of Mr. Fisher till some future meeting of the committee.

Adjourned to 9 a. m. to-morrow.

FRIDAY, *May* 25, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Train and Winslow; Messrs. Olin and Robinson subsequently appeared.

The following witnesses were examined:

No. 65. William H. Davidge, New York.

No. 66. Hamilton Bruce, New York.

No. 67. James E. Harvey, Philadelphia.

No. 68. Francis McCormick, Philadelphia.

No. 69. John F. Schell, Philadelphia.

No. 70. Andrew Brumaker, Philadelphia.

No. 71. David Webster, Philadelphia.

No. 72. A. O. P. Nicholson, U. S. Senate.

Pending the examination of David Webster,

Mr. WINSLOW moved that the witness have time to see Judge Black before being required to state a conversation between witness and Judge Black, referred to in his testimony.

The question being taken by yeas and nays upon that motion, it was not agreed to—yeas 2, nays 3, as follows:

Yeas—Messrs. Winslow and Robinson—2.

Nays—the Chairman, Messrs. Olin and Train—3.

Mr. WINSLOW stated that he wanted to introduce a resolution in the House to call for some papers from one of the departments, and if he should find it necessary, in support of that resolution, he desired permission of the committee to refer to the testimony of Elwood Fisher, given before this committee on the 24th instant.

Permission was granted accordingly.

Adjourned to 9 a. m. to-morrow.

SATURDAY, *May* 26, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Olin and Robinson; Mr. Winslow subsequently appeared.

The following witnesses were examined:

No. 73. George Downey, Philadelphia.

No. 70. Andrew Brumaker, (recalled.)

No. 62. William C. Barney, (recalled.)

No. 74. Patrick Lafferty, Philadelphia.

No. 75. J. P. Benjamin, U. S. Senate.

No. 76. John Dunn, Philadelphia.

On motion of Mr. WINSLOW, it was

Ordered, That there be printed with the testimony taken before this committee, in relation to contracts for carrying the California mails, &c., the documents contained in Senate Executive Document No. 72, 35th Congress, 1st session, in relation to the route across the Isthmus of Tehuantepec, and the documents contained in Senate Executive Document No. 45, 36th Congress, 1st session, in relation to the contract with Daniel H. Johnson to carry the California mails, &c.

Permission was given Mr. Winslow to take possession of the testimony of A. J. Isaacs, May 9th, William H. Davidge and James E. Harvey, May 25th, and William C. Barney, May 26th, until some future meeting of the committee.

Adjourned to 9½ a. m. on Monday next.

MONDAY, *May* 28, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Winslow, Train, and Robinson.

The following witness was examined:

No. 77. James Murphy, New York.

Adjourned to 9 a. m. to-morrow.

TUESDAY, *May* 29, 1860.

No quorum of the committee were present. The Chairman and Mr. Train were present.

Adjourned to 9 a. m. to-morrow.

WEDNESDAY, *May* 30, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Train, Winslow, and Robinson.

Mr. WINSLOW moved that subpœnas be issued for the following witnesses:

D. S. Koon, Pittston, Luzerne county, Pennsylvania.
O. F. Gaines, Boonton, New Jersey.
John Brisbane, Scranton, Luzerne county, Pennsylvania.
George Sanduron, Scranton, Luzerne county, Pennsylvania.
A. Davis, Scranton, Luzerne county, Pennsylvania,
Ira Tripp, Scranton, Luzerne county, Pennsylvania.
Joseph Scranton, Luzerne county, Pennsylvania.
J. W. Palmer, Scranton, Luzerne county, Pennsylvania.

The CHAIRMAN said: I have in my possession letters asking me to subpœna hundreds of persons as witnesses; in every instance where I find they have no direct connexion with the government I decline to subpœna them. There is no evidence here that a single one of these persons has any connexion whatever with the government; I therefore shall vote against putting the government to the expense of subpœnaing them here.

Mr. WINSLOW. I applied for these witnesses in April last, and an order was made for their being summoned. They have never been summoned; I am informed, upon information said to be reliable, and not by an anonymous letter, that large sums of money were expended by Mr. Scranton, of Pennsylvania, and by his friends in his district, to secure the election of Mr. Scranton to the present House; I have selected from a list of witnesses, comprising some thirty names, these eight persons for whom I desire subpœnas. The investigation of this matter is covered, in my opinion, by the second resolution submitted to this committee.

Mr. TRAIN. I have no objection, after the majority of the committee have closed the investigation so far as they desire to go, to go into any inquiries upon the suggestion of Governor Winslow or Mr. Robinson, which are properly within the scope of the resolutions under which this committee are acting. But at present I decline to vote in favor of the motion of Governor Winslow.

Mr. ROBINSON. As I have said once before, I have great doubts whether we have any right—indeed I am satisfied that we have no right—to investigate the expenditure of moneys by private parties in elections. But in this case, as our investigations heretofore have been given a pretty wide range, I will vote in favor of subpœnaing these witnesses. When they are here, if Governor Winslow or any

other member of the committee becomes satisfied, and will so state to the committee. that the moneys that have been so spent can be traced back to any parties connected with the government, and show that it was government money, I will insist upon their examination; otherwise I shall oppose it. At present, I will vote in favor of subpœnaing the witnesses.

The CHAIRMAN. I will vote myself for subpœnaing them if Governor Winslow will state that he can trace the money back to the government or to government officers. As Mr. Scranton is now here, I am willing to subpœna him and get his explanation as a starting point.

Mr. WINSLOW asked for the yeas and nays on his motion to have the foregoing named persons subpœnaed as witnesses.

The yeas and nays being taken resulted as follows—yeas 2, nays 2.

Yeas—Messrs. Winslow and Robinson—2.

Nays—The Chairman and Mr. Train—2.

The motion was not agreed to.

Mr. WINSLOW. I ask that this matter be referred to the House, that they may advise us upon the subject.

Mr. TRAIN. I object to that; I do not think the House has anything to do with it.

Mr. WINSLOW. I desire to make an application to the House, by the consent of the committee, to have these witnesses subpœnaed.

Mr. ROBINSON. I think myself that better be done.

Mr. WINSLOW asked the yeas and nays upon his motion for leave to submit this matter to the House.

The yeas and nays being taken resulted as follows—yeas 2, nays 2.

Yeas—Messrs. Winslow and Robinson—2.

Nays—The Chairman and Mr. Train—2.

The motion was not agreed to.

Mr. WINSLOW. I move that subpœnaes issue for the following persons:

William McMullen, Philadelphia.
William B. Reed, Philadelphia.
William S. Kelley, Philadelphia.
Thomas Kearns, Philadelphia.
John Hagan, Philadelphia.
David Cook, Philadelphia.
H. Marley Van Horn, Philadelphia.

By these witnesses I desire to prove bribery of the officers of elections and bribery of the electors in Philadelphia, in the fall election of 1856.

The CHAIRMAN. I have no objection to subpœnaing a portion of them, but it has not been our habit to subpœna so many witnesses for a particular matter, and I object to putting the government to all this expense.

Mr. WINSLOW called for the yeas and nays, which being taken resulted as follows—yeas 2, nays 2.

Yeas—Messrs. Winslow and Robinson—2.

Nays—The Chairman and Mr. Train—2.

The motion was not agreed to.

Mr. WINSLOW. I move for subpœnaes for the following persons:
Richard Golder, Greensboro', Pennsylvania.
Edward J. Keenan, Greensboro', Pennsylvania.
Alexander Johnson, jr., Greensboro', Pennsylvania.
James F. Nelson, Pittsburg, Pennsylvania.
John W. Reddell, Pittsburg, Pennsylvania.

I am informed that these persons can prove the expenditure of money in the congressional election in the Westmoreland district of Pennsylvania.

The CHAIRMAN. I have a general knowledge of that matter, and that those men have no connexion with the government whatever.

Mr. WINSLOW asked for the yeas and nays, which being taken resulted as follows—yeas 2, nays 2.

Yeas—Messrs. Winslow and Robinson—2.

Nays—The Chairman and Mr. Train—2.

The motion was not agreed to.

Subsequently, when Frederick Engle was called on the stand—

Mr. WINSLOW asked the clerk if there was any record showing that the committee had directed Mr. Engle to be summoned; to which the clerk of the committee replied that there was no record of that kind.

The following witnesses were examined:
No. 78. Henry Wilson, Boston.
No. 79. Frederick Engle, Philadelphia.
No. 80. John Appleton, Washington.
No. 46. Thomas McDonough, (recalled.)
No. 81. Edward W. Power, Philadelphia.
No. 77. James Murphy, (recalled.)
No. 64. Ellwood Fisher, (recalled.)

Adjourned to 9½ a. m. to-morrow.

THURSDAY, *May* 31, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Train, Winslow, and Robinson.

The CHAIRMAN laid before the committee a communication, with accompanying documents, from the Postmaster General, in reference to the call of this committee of the 22d instant.

Ordered, That they be printed with the testimony relating to that subject.

The following witnesses were examined:
No. 74. Patrick Lafferty, (recalled.)
No. 82. William H. Witte, Philadelphia.
No. 83. Samuel S. Cox, House of Representatives.
No. 46. Thomas McDonough, (recalled.)
No. 78. Henry Wilson, (recalled.)

Patrick Lafferty having refused to answer a question propounded to him by the committee—

On motion of Mr. TRAIN, it was

Ordered, That Patrick Lafferty be reported to the House for contempt, he having refused to answer a question propounded to him by

a special committee of the House; and that so much of the testimony of Edward W. Power and Patrick Lafferty as may be necessary to a proper presentation of this matter to the House be also reported at the same time.

Mr. WINSLOW moved that he (Mr. W.) be permitted to have a copy of so much of the journal of this committee of yesterday as relates to the summoning of witnesses, to be used in the House, if he (Mr. W.) should find it necessary.

The motion was agreed to.

On motion of Mr. WINSLOW, it was

Ordered, That a copy of the testimony of David Webster be furnished to Mr. Winslow for his use.

Adjourned to 9½ a. m. to-morrow.

FRIDAY, *June* 1, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Winslow and Train. Mr. Robinson subsequently appeared.

The following witnesses were examined:

No. 74. Patrick Lafferty, (recalled.)

No. 84. Benjamin Andrews, Cleveland, Ohio.

No. 85. Horace F. Clark, House of Representatives.

On motion of Mr. Winslow, it was

Ordered, That an extract (indicated by Mr. W.) from the President's annual message to Congress, of December 6, 1858, be appended to the testimony of Hon. Horace F. Clark, in relation to the carrying of the California mails, &c.

Adjourned to 9½ a. m. to-morrow.

SATURDAY, *June* 2, 1860.

The committee met pursuant to adjournment. Present: the Chairman, and Messrs. Winslow and Train. Mr. Robinson subsequently appeared.

Mr. TRAIN moved, that inasmuch as Patrick Lafferty had given sufficient answers to the questions propounded to him, the order of this committee of May 31st, in relation to him, be rescinded.

The motion was agreed to.

On motion of Mr. WINSLOW, it was

Ordered, That hereafter witnesses shall be summoned pursuant to the order of the committee; and that the clerk shall enter upon the journal of this committee the names of the witnesses so ordered to be summoned, at the time such order shall be made.

The following witnesses were examined:

No. 86. Charles B. Flood, Cleaveland, Ohio.

No. 87. William W. Shore, Providence, Rhode Island.

No. 35. J. S. Black, (recalled.)

Ordered, That the following persons be summoned to appear before this committee as witnesses:

D. S. Koon, Pittston, Pennsylvania.
O. F. Gaines, Boonton, New Jersey.
John Brisbane, Scranton, Pennsylvania.
George Sanderson, Scranton, Pennsylvania.
A. Davis, Scranton, Pennsylvania.
Ira Trippe, Scranton, Pennsylvania.
Joseph Scranton, Scranton, Pennsylvania.
J. W. Palmer, Scranton, Pennsylvania.
William McMullen, Philadelphia.
William B. Reed, Philadelphia.
William S. Kelly, Philadelphia.
Thomas Kearns, Philadelphia.
John Hogan, Philadelphia.
David Cook, Philadelphia.
H. Marley Van Horn, Philadelphia.
Hon. Charles Brown, Philadelphia.
David Webster, Philadelphia.
G. G. Westcott, Philadelphia.
Hon. William B. Mann, Philadelphia.
Albert Schofield, Philadelphia.
Thomas Davidson, Philadelphia.
Reuben F. Brown, Philadelphia.
Colonel William C. Patterson, Philadelphia.
Captain George W. Walling, New York city.
David H. Johnston, New York city.
Adjourned to 9½ a. m. on Monday next.

MONDAY, *June* 4, 1860.

The committee met pursuant to adjournment. Present: the Chairman, and Messrs. Wi slow and Train. Mr. Robinson subsequently appeared.

The following from the Clerk's office of the House of Representatives, was ordered to be entered upon the minutes:

"THIRTY-SIXTH CONGRESS,

"FIRST SESSION,

"CONGRESS OF THE UNITED STATES.

"IN THE HOUSE OF REPRESENTATIVES, *June* 2, 1860.

"On motion of Mr. Winslow:

"*Resolved*, That the Speaker be directed to issue his warrant, directed to the Sergeant-at-Arms, ordering him to summon the following named persons to appear, forthwith, before the select committee, appointed under the resolutions of the House, of the 5th of March last, for the purpose of investigating certain alleged corruptions:

"D. S. Koone, Pittston, Luzerne county, Pennsylvania.

"O. F. Gaines, Boonton, New Jersey.

"John Brisbane, Scranton, Luzerne county, Pennsylvania.

"George Sanderson, Scranton, Luzerne county, Pennsylvania.
"A. Davis, Scranton, Luzerne county, Pennsylvania.
"Ira Trippe, Scranton, Luzerne county, Pennsylvania.
"Joseph Scranton, Scranton, Luzerne county, Pennsylvania.
"J. W. Palmer, Scranton, Luzerne county, Pennsylvania.
"William McMullen, Philadelphia, Pennsylvania.
"William B. Reed, Philadelphia, Pennsylvania.
"William S. Kelly, Philadelphia, Pennsylvania.
"Thomas Kearns Philadelphia, Pennsylvania.
"John Hagan, Philadelphia, Pennsylvania.
"David Cook, Philadelphia, Pennsylvania.
"H. Marley Van Horn, Philadelphia, Pennsylvania.

"Attest :

"J. W. FORNEY, *Clerk.*"

The following witness was examined :
No. 88. Charles W. Clement, Philadelphia.

Ordercd, That the following persons be summoned to appear before this committee as witnesses :
J. M. Sallade, Reading, Pennsylvania.
William Kearns, Reading, Pennsylvania, (probably.)
William B. Shaw, Washington.
Cornelius Wendell, Washington.
John B. Haskin, House of Representatives.
Thomas B. Florence, House of Representatives.
William Montgomery, House of Representatives.
Adjourned to 9 a. m. to-morrow.

TUESDAY, *June* 5, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Winslow, Train, and Robinson.
The following witnesses were examined:
No. 87. William W. Shore, (recalled.)
No. 11. A. H. Evans, (recalled.)
The following witnesses were ordered to be summoned:
William B. Rankin, Columbus, Ohio.
Com. J. H. Ward, New York city.
Thomas Faron, New York city.
S. P. Hanscom, Washington.
J. Elliott, Washington.
Jacob Thompson, Washington.
Adjourned to 9 a. m. to-morrow.

WEDNESDAY, *June* 6, 1860.

The committee met pursuant to adjournmet. Present: the Chairman, Messrs. Winslow, Train, and Robinson.
The following witness was examined :
No. 89. J. L. Elliot, Washington.

On motion of Mr. ROBINSON,

The Chairman of this committee be instructed to report to the House of Representatives the names of the following persons who have not obeyed the subpœnas issued under direction of this committee, and ask the process of the House to compel their attendance:

Charles A. Dunham, New York.
Alexander Hay, New York.
G. G. Westcott, Philadelphia.
Albert Schofield, Philadelphia.
William Kearns, Reading, Pennsylvania.

Adjourned to 9 a. m. to-morrow.

THURSDAY, *June* 7, 1860.

The committee had no session to-day on account of the protracted session of the House of Representatives yesterday.

FRIDAY, *June* 8, 1860.

The committee met at 9 a. m. Present: the Chairman, Messrs. Winslow, Train, and Robinson.

The following witnesses were examined:

No. 90. George Landuron, Scranton, Pennsylvania.
No. 91. William B. Mann, Philadelphia.
No. 92. Jacob Thompson, Interior Department.
No. 93. J. H. Puleston, Pittsburg, Pennsylvania.
No. 94. A. Davis, Scranton, Pennsylvania.
No. 95. David S. Koon, Pittston, Pennsylvania.
No. 96. James H. Smith, Columbus, Ohio.
No. 97. Thomas Smith, Columbus, Ohio.
No. 98. Ira Freeman, jr., Washington, D. C.
No. 99. George W. Walling, New York city.

Mr. WINSLOW moved that the remainder of the witnesses in relation to the election of Mr. Scranton, of Pennsylvania, be discharged without examination. Agreed to.

Mr. WINSLOW moved that the testimony of George Sanderson, J. H. Puleston, A. Davis, and David S. Koon in relation to Mr. Scranton, and the testimony of James H. Smith and Thomas Miller in relation to Mr. S. S. Cox, taken to-day, be stricken out.

After consultation, it was agreed that Mr. Cox and Mr. Scranton be consulted, and their wishes in regard to the matter be ascertained.

Adjourned to 9 a. m. to-morrow.

SATURDAY, *June* 9, 1860.

The committee met pursuant to adjournment. Present: the Chairman, Messrs. Winslow, Train, and Robinson.

The following witnesses were examined:

No. 100. Charles Brown, Philadelphia.
No. 101. William C. Patterson, Philadelphia.

No. 102. Andrew M. Sallade, Reading, Pennsylvania.
No. 103. Joseph H. Geiger, Columbus, Ohio.
No. 104. John B. Haskin, House of Representatives.
No. 83. Samuel S. Cox, recalled.
No. 105. P. Barry Hays, Philadelphia.

At the request of Mr. Cox, the Chairman was instructed to invite Hon. Howell Cobb to appear before this committee on Monday next.

Mr. TRAIN moved that Hon. Garnet B. Adrain and Hon. John Hickman be summoned to appear before this committee as witnesses.

Some discussion took place as to the power of this committee over the subject to which their testimony would relate, and the time the examination of that subject would occupy.

Mr. WINSLOW called for the yeas and nays on the motion of Mr. Train, and proceeded to say:

The objection I have to summoning these witnesses arises from the following state of facts: The House having ordered a special committee to be appointed, on the motion of Mr. Hoard, to examine the matters with which the names of Mr. Adrain, Mr. Hickman, and Mr. Haskin have been connected, I think that is an exclusion of the authority of this committee to examine them upon the same matters. I shall, therefore, vote against the motion.

The CHAIRMAN said: Before I give my vote, I will state that as it appears likely that the examination of the persons named will protract our session, and as they have already made their charges in the House, I am willing to let the matter go, and pursue it no further. Under these circumstances, I shall vote against the motion.

The question was then taken by yeas and nays, and resulted—yeas 2, nays 2, as follows:

Yeas—Messrs. Train and Robinson—2.
Nays—The Chairman and Mr. Winslow—2.

Accordingly the motion was not agreed to.

On motion of Mr. TRAIN, it was

Ordered, That John W. Forney be summoned to appear before this committee to testify, on Monday next.

At the request of Mr. WINSLOW, it was agreed that he have ample time to call witnesses in reply to Mr. Forney.

Adjourned to 9 a. m. on Monday next.

MONDAY, *June* 11, 1860.

The committee met pursuant to adjournment. All the members present.

The following witnesses were examined:
No. 106. J. W. Forney, Clerk of House of Representatives.
No. 103. J. H. Geiger, (recalled.)
No. 96. J. H. Smith, (recalled.)
No. 107. Albert H. Schofield, Philadelphia.
No. 108. Gideon G. Westcott, Philadelphia.
No. 83. Samuel S. Cox, (recalled.)

On motion, it was

Ordered, That the Chairman be instructed to request the Secretary of the Treasury to furnish this committee with copies of the correspondence of James C. Vandyke, of Philadelphia, (addressed to the Commissioner of Customs of the Treasury Department,) and the replies of the department thereto, in relation to the employment of George W. Baker and others in the custom-house in Philadelphia; also a copy of the pay-roll of the collector's office of New York during the months of October and November, 1858.

Adjourned to 9 a. m. to-morrow.

TUESDAY, *June* 12, 1860.

The committee met pursuant to adjournment. All the members present.

The following witnesses were examined:

No. 109. Howell Cobb, Secretary of the Treasury.

No. 110. William Karns, Reading, Pa.

No. 1. Cornelius Wendell, (recalled.)

No. 111. John Covode, House of Representatives.

After consultation, it was agreed that no more witnesses be examined, except Charles A. Dunham and Alexander Hay, of New York, and ——— Davidson, of Illinois, should they appear.

Adjourned to 10 a. m. on Thursday next, unless sooner called together for the purpose of examining the persons before named.

THURSDAY, *June* 14, 1860.

The committee met pursuant to adjournment. All the members present.

The following witness appeared and handed in a written statement, which was ordered to be printed with the testimony:

No. 112. James W. Davidson, Monmouth, Ill.

Sundry other documents were ordered to be printed with the testimony.

Ordered, That Mr. Train be directed to prepare a report for this committee.

Adjourned to 9 a. m. on Saturday next.

SATURDAY, *June* 16, 1860.

The committee met pursuant to adjournment. All the members present.

Mr. TRAIN submitted a written report, which was read to the committee.

Mr. OLIN moved that it be adopted.

Mr. ROBINSON called for the yeas and nays, which were taken, and the motion agreed to—yeas 3, nays 2, as follows :

Yeas—The Chairman, Messrs. Olin and Train—3.

Nays—Messrs. Winslow and Robinson—2.

When his name was called,

Mr. ROBINSON said: I shall vote in the negative, for the reason that there are many things in the report that I do not concur in. I concur fully in that portion of the report which relates to the course of the administration upon what is known as the Kansas-Lecompton question. I concur, also, in some other parts of the report. But, as I have said, there are many portions of it in which I do not concur, and therefore I shall decline to sign it.

Leave was granted to Mr. WINSLOW to prepare and submit to the House a report on the part of the minority.

Mr. OLIN moved that Mr. TRAIN be instructed to submit the report and accompanying testimony to the House, and ask that 50,000 copies of the same be printed for the use of the House.

The motion was agreed to.

The committee thereupon adjourned *sine die.*

LECOMPTON CONSTITUTION, ETC.

No. 25.

TUESDAY, *April* 17, 1860.

ROBERT J. WALKER called and sworn.

By Mr. OLIN:

Question When were you appointed governor of Kansas?

Answer. I think that it was (though I cannot give you the exact date) some time in April, 1857. But I did not go to Kansas until May. I recollect one date particularly; I reached Lecompton on the 27th of May, for that was the date of my first inaugural address.

Question. While governor of the Territory did you receive a letter from Mr. Buchanan bearing date, I think, about the 12th of July or the 12th of August, I am not sure which, in reference to the affairs of the Territory, and the policy to be pursued by you?

Mr. WINSLOW, [to witness.] I think you are not bound to answer that question. I think it is a matter between the President of the United States and one of the officers of the government, and, under all legal rules, I think this testimony would not be proper. You can best judge of that matter yourself; I know nothing about the letter, or its contents, or the object of the inquiry. But I think that no House of Congress, or any of their committees, have a right to question a witness in regard to the instructions and letters from the Executive to any officer of the government.

Mr. OLIN. I supposed this matter was perfectly within the province of the committee.

Mr. WINSLOW. I think it is contrary to received legal opinion both here and in England.

The CHAIRMAN. I think we can call upon the President for this correspondence, if we choose.

Mr. WINSLOW. Then it would be a matter for the President to decide whether he would give it to you or not. The President has a right to withhold any correspondence from the House which he considers incompatible with the public interest.

The WITNESS. I did receive various letters from the President, which were not official letters. I do not see upon what principle I am bound to communicate them to you. I certainly have no desire to suppress anything, nor do I think the President has. But, whilst I am the last person on earth to withhold from the committee any information that is proper, I do not, as at present advised, and in the present posture of the case as it is now presented, see how I am called upon to publish it. I think I have the right to publish those letters, at my own time, and if I deem it necessary, or if it should be neces-

sary for the vindication of my own honor or reputation. But I think I have the right to judge of that time for myself. That appears to me to be the proper view of the case. I wish you to understand, gentlemen, that I have certainly not the slightest objection to all knowing any letter that ever was written to me by the President, or that I ever wrote to him.

Mr. OLIN. I did not suppose there would be any objection on your part.

Mr. WINSLOW. My objection is in regard to official communications of the President.

The WITNESS. The official communications, I think, have all been published. They constitute a large portion of one of the volumes of the documents of Congress.

Mr. OLIN. I am inquiring now in regard to a letter that has not been published, and which I think bore date the 12th of July or the 12th of August; a letter in reference to the policy to be pursued by the administration in reference to the submission of the Lecompton constitution, or the constitution then about to be formed, to the people—the whole instrument to be submitted to the people.

Mr. WINSLOW. It is understood that I object to the witness giving any information in reference to any official communications of the President to him.

Mr. OLIN. My view of the matter, if Mr. Covode concurs with me, is that we should insist upon putting the question, leaving the witness to make such response as he sees fit, in reference to answering the inquiry at all or withholding any answer for the present.

The CHAIRMAN. I concur in that view.

The WITNESS. I think, gentlemen, that whether the letter to which you refer be strictly confidential and private or not, or whether I might choose to regard it as not a private and confidential letter, it still undoubtedly was not an official letter; it was not addressed to me by Mr. Buchanan in his capacity as President of the United States. But still I do not think I am called upon to produce it. I wish it distinctly understood that I consider that I have a right to publish that or any other letter, if it should be necessary, to vindicate my honor in any matter connected with the discharge of my official duties with which such a communication might be connected; but I think that I have the right to judge of the place, time, and manner of making that publication.

Mr. OLIN. I had supposed that the power of Congress was sufficiently adequate to call for the production of even a private and confidential communication, or a communication of any character made by an officer like the President of the United States, whose conduct in the discharge of his duties is always open to inquiry; and that the merely private nature of such a correspondence, its confidential character, would not put it beyond the power of the House or exempt it from examination.

Mr. WINSLOW. I think there is not a single administration of the government in which it will not be found that the President has refused to communicate to Congress some papers called for. He is always requested to do so "if not incompatible with the public interest." I think in the case of the committee of Mr. Wise in rela-

tion to General Jackson the ground was expressly taken that they would not insist upon questions in relation to private conversations, until General Jackson himself absolved the witnesses and begged them to give the conversations. I object to this upon this ground: I hold that the power of the House, and of a committee acting under authority of this House, is not sufficient to enable them to call for any letter from the President of the United States to any officer of the government where it is official, or what is sometimes called private, where it touches the public policy of the government. Mr. Walker is the judge of his own rights; I give no opinion about that matter, he has the right to judge of that. But I am speaking now of our powers, not in the least of the propriety of the acts of the witness; that is a matter for the witness to decide.

The WITNESS. I wish it distinctly understood that I think, under all the circumstances of the case, I have the right to publish any letters I may have received from Mr. Buchanan while I was governor of Kansas touching on its public policy, although they were not official, whenever I deem it necessary for the vindication of truth, or of my own honor or reputation. But I have always supposed, although I do not assume umpireship in this matter or to be the ultimate judge of it, that it was my right, as an individual, to communicate this letter when and in what manner I pleased. But I pronounce no ultimate judgment upon such a point; I do not wish to violate any rule of law or set at defiance the tribunals of my country or the House of Representatives.

By the CHAIRMAN:

Question. I would ask whether that letter, the original letter, has not passed out of your hands?

Answer. No, sir; never. It never was out of my hands, unless, perhaps, when some gentleman sitting by me took it in his hands to read it. It is in my possession now.

Question. Have you not fully communicated the contents of that letter to several gentlemen?

Answer. I have shown it confidentially to various gentlemen, as I have always thought I had the right to do, and as I now think I have a right to publish it, if I please.

Mr. OLIN. I understand that the witness does not decline to answer the inquiry upon the ground that this was a strictly private and confidential letter, which he was in honor bound to keep from public observation.

The WITNESS. I have not at any time considered the letter in that light; I have always taken a different view of it.

By Mr. OLIN:

Question. But you base it upon the ground that you have a right to direct the mode and time of its publication, whenever you choose?

Answer. That is my position in relation the matter; and I think now, and I have always thought, and that is the opinion of gentlemen to whom I have shown the letter, that if I should publish it the country will concur with me in opinion that the motives that have induced me to withhold it were public motives, and such as my

country will approve. But it has never been out of my possession for a moment, except when, in my presence, some gentleman has had it to read it; and it is now in my possession.

Mr WINSLOW. I hope the committee will not press the question now?

Mr. OLIN. There is no pressing about it. I understand the witness to decline to produce that letter.

The WITNESS. I have given my opinion about it.

The CHAIRMAN, [to witness.] It is proper to ask you directly whether or not you decline to produce the letter?

The WITNESS. I must say that, as at present advised, I think it is my duty not to produce it. I think most conscientiously that I have a right to publish it when and where I please, and to show it to whom I please; but I do not think this committee have the legal right to compel the production of this letter, or force it from me, against my will.

The CHAIRMAN. That, I suppose, is a question for the House to determine.

The WITNESS. That is another thing; the power of the House is entirely a different affair. I will say that I did show this letter to various persons, and I did so in vindication of my public course.

By the CHAIRMAN:

Question. In showing that letter, did you not always state in connexion with it that the President had entirely abandoned the position taken in that letter?

Answer. I think you will find in my published letters, which are accessible to you all and which were published over my signature as an individual, and also in my letter of resignation as governor of Kansas, that I have repeatedly declared that the President had abandoned his original position. You will find that in my letter of resignation, which may be found among the documents of Congress, and in some five or six letters that I published afterwards, addressed to various committees.

Mr. WINSLOW. If any opinion of the witness is intended to be put upon record, I must object to it.

The WITNESS. I only state where these things are to be found.

By Mr. OLIN:

Question. Are you willing to state whether there are any copies of that letter in existence?

Answer. Yes, sir; there is one copy in existence, and one only. It was given to a very near friend of mine, simply for the purpose of preventing any injury to myself from the loss of the original, and for no other purpose whatever.

By the CHAIRMAN:

Question. Are you not aware of a copy of that letter deposited in bank?

Answer. I have never heard of a copy of it being deposited in a bank, and I think that is totally impossible. There was never but one copy, unless it was stolen, and that copy was deposited with a friend and relative of mine, in case the original should be lost; and

I believe that gentleman has never shown it to a human being. I do not wish it to be understood that Mr. Buchanan has ever objected to my publishing any of his letters.

Question. Was there not a very strong effort made on the part of the President and his friends to get you to refrain from publishing that letter?

Answer. There never was the slightest effort made upon the part of the President to induce me to restrain the publication of that letter, not the slightest effort upon the part of the President. On the contrary, I firmly believe that the President could take no exception whatever to my publishing the letter. He and I have never conversed upon the subject. And I wish it distinctly understood that at the time that I showed this letter to various friends I thought I had a right to publish it, or I never would have shown it. And I deem it due to myself to say that if I did not publish it it was from no motives pertaining to myself, from no selfish considerations, but solely from motives, as I considered, connected with the public interest.

No. 26.

WEDNESDAY, *April* 18, 1860.

ELLIS B. SCHNABEL called and sworn.

By the CHAIRMAN:

Question. You stated to me yesterday that you were very anxious to get off to Charleston to-day, and in consequence of the preparations you desired to make this morning you would find it inconvenient to attend here for a long examination at present. To facilitate the giving your testimony I ordered our clerk to furnish you a list of interrogatories. Have you received those interrogatories, and have you prepared your answers to them?

Answer. I have, sir; I copied the interrogatories, writing the appropriate answer after each one of them, so that it may read properly; here they are and I have signed them.

The interrogatories and answers were then read as follows:

Question 1. Were you ever shown a letter, dated July 12, 1857, written by the President of the United States to Governor Robert J. Walker, the latter then in Kansas?

Answer. I never saw but one letter in manuscript, written by the President to Governor Walker, and that, I believe, bore date July 12, 1857.

Question 2. Was it shown to you confidentially, or are you at liberty, without violating any promises of secrecy, to speak of its contents?

Answer. I am under no obligations of secrecy whatever. I have discussed the merits of that letter with a great many persons within the last eighteen months. I presume twenty different people, in Washington to-day, have been long aware of my knowledge of this

letter. Governor Walker exhibited it to me in vindication of his course in Kansas; and at the time also stated that he, himself, was under no confidential restraints. At this time Governor Walker was exceedingly indignant and angry. He also freely expressed his fear that the President would not only destroy the democratic party, but the country with it. I urged immediate publication. He feared the consequences to the country, and thought its welfare would be best secured by being not too precipitant. Although he stated with determined emphasis, that inasmuch as the President had suddenly changed front, since the date of that letter, the tendency of which change might be to disparage him (Walker) in public estimation, as a faithful servant of the people, should that ever appear, either in assailing his honor, or the manner in which he discharged his duties as a public officer, he not only felt entirely free, but would justify and defend himself before the country by publishing the letter of the 12th of July, 1857.

He expressly stated that the letter was semi-official and entirely divested of confidential restrictions. As for myself, having no confidential obligations resting upon me, and having freely discussed the matter with numerous persons, at intervals, during a year and a half, at least, I feel perfectly free to speak of its contents.

Question 3. What is your recollection of its contents?

Answer. The time I saw the letter was soon after the resignation of Governor Walker. I had, with many other gentlemen, earnestly urged his appointment, hence I felt a profound interest in his success.

Conversing with him about what was deemed *an indirect removal* of him from Kansas, led to the introduction of this letter at the interview referred to. I considered it a most extraordinary document when I remembered that Mr. Walker was no longer Governor of Kansas. It seemed to me, from the contents of this letter, that he was forced to abandon his post, because he had faithfully carried out, as far as he had power, the instructions and advice of President Buchanan. I consider the letter an unqualified endorsement of Governor Walker's course in Kansas. I was particularly struck with the potent fact, that the President considered the submission of the constitution by the convention to the people of Kansas the true principle and interpretation of the Kansas and Nebraska bill.

Further, that his views were equivalent to advising Governor Walker to devote himself to the policy of submission, for the double reason, first, that it would secure his success, and his success would *prove fatal* to the *resolutions* against Governor Walker, passed a short time previous in Georgia and Mississippi.

The President plainly indicated to Governor Walker that his success depended upon the doctrine of submission, and adds, almost in the following words, that upon the *doctrine of submission* of the constitution to the people he (the President) was willing to stand or fall.

I remember, also, that I was impressed with the singular solemnity of the President from the fact that the advice contained in the letter was clenched with a seemingly devout prayer. This is substantially my recollection of the spirit and meaning of that document as it was read to me by Governor Walker.

Question 4. Have you recently conversed with any member of this administration on the subject of this letter. If so, are you at liberty to speak of it?

Answer. I have recently had such conversation. There is no secret about it, no confidential restraint upon either of the parties. I have described the scene to many persons since Friday last. I presume this committee, like many others, have heard of it. I had an accidental discussion with Attorney General Black upon the *truth of the existence* of such a document as the one referred to in this testimony; he denying and I affirming. He declared that no such document existed, and never did exist. I told him I had seen it. He affirmed that I was mistaken, that if such a letter existed, no good citizen would withhold it. I inquired of him whether he invited its production in the name of the President? He replied, yes! that he challenged its production; that if General Walker had such a paper, his duty to his country, as well as to himself, required him to produce it. That in point of fact, however, he said, the story was not founded in truth, or words to that effect. Many severe remarks passed between us. He was in a state of great excitement. When I referred a second time to my having seen it, he again, in high rage, declared that I was in gross error; that the President never wrote such a document, and if Governor Walker or any other person pretended to have such a document, it was a mere pretense to cover up a perpetrated or intended treason to the democratic party, or a mere pretext for deserting to the black republican ranks. He further added, that if any one attacked the administration on this ground, (to use his exact words,) "*we will put a shirt upon him from which he will never escape.*"

Question 5. In case you had such interview, what led to it?

Answer. I was making a visit to one of the editors of the Constitution in reference to another matter entirely. I met Judge Black there accidently. I did not expect to see him. My business with the editor was in no way directly or indirectly connected with this committee. I decline answering the question solely on the ground of irrelevancy.

ELLIS B. SCHNABEL.

APRIL 18, 1860.

No. 27.

WEDNESDAY, *April* 18, 1860.

THOMAS C. MACDOWELL called and sworn.

By the CHAIRMAN:

Question Where do you reside?

Answer. I reside in the city of Harrisburg, Pennsylvania.

Question. What is your occupation?

Answer. I am a lawyer by profession, but at present I am one of the editors and proprietors of the "Patriot and Union," of that place.

Question. Have you ever been shown a letter, of date 12th July, 857, written by the President to Governor Walker while in Kansas?

Answer. Yes, sir.

Question. Was it shown to you confidentially, or are you at liberty to state its contents?

Answer. It was shown to me in strict confidence as to its contents, and I am not at liberty to state them.

Question. Do you recollect the date?

Answer. I think that it was in September last that I saw it in the city of Baltimore.

Question. I had reference to the date of the letter; do you recollect that?

Answer. No, sir, I do not.

Question. Do you recollect the circumstance that it was a letter written to him in Kansas?

Answer. I recollect that very well.

By Mr. ROBINSON:

Question. Who showed you the letter?

Answer. Governor Walker.

By the CHAIRMAN:

Question. Was it shown to you in presence of others?

Answer. No, sir.

Question. Are you not aware that a number of other gentlemen have seen that letter?

Answer. No, sir; I am not, except from hearsay; of course I do not wish to give that as evidence; I am mistaken about seeing the letter in Baltimore; it was in this city that I saw it. The letter was spoken of by Governor Walker, in Baltimore, at the Gilmor House; and I think that the same week it was shown to me, and read to me in this city, by Governor Walker.

Question. Have you recently conversed with any member of the administration upon the subject of this letter?

Answer. No, sir; I have never conversed with any member of the administration upon the subject of the letter at all; and did not feel myself at liberty to mention the fact even that I had ever seen it. I believe I did, in an incidental conversation, mention the fact that I had seen it quite recently in this city; and hence the reason, I presume, that it has come to the ears of the committee.

Question. Have you not had conversation with other gentlemen relative to the contents of that letter?

Answer. No, sir; I do not know that I have; not as to the details of the letter. No, sir, I have not; I have studiously refrained from it.

Question. Have you not had interviews with other gentlemen that satisfied you that they knew what the contents of the letter were?

Answer. I suppose I am to believe what they said; other gentlemen had told me that they had seen the letter. Mr. Schnable told me he had seen the letter.

Question. Did you not know that there was quite a number of gentlemen familiar with the contents of that letter?

Answer. No, sir; indeed, I had reason to believe that the contrary

was the fact, that but very few knew its contents. I supposed that from the strict secrecy in which it was read to me.

Question. Do you know anything about a copy of it being prepared?

Answer. No, sir; except from hearsay.

Question. It was the original letter you saw?

Answer. So represented to me; I am satisfied that it was.

Question. You know the handwriting to be Mr. Buchanan's?

Answer. Yes, sir; I think so.

Question. What, in your judgment, was the object of Governor Walker in showing you that letter?

Answer. Well, sir, it arose, I presume, from a conversation that I had with Governor Walker relative to his course in Kansas, and the difficulty then existing, and for aught I know still existing; a misunderstanding between Governor Walker and the administration, in regard to his course in Kansas, and nothing else.

Question. Was it not to show you that the President had abandoned the position he took in that letter?

Answer. I presume so, sir; I presume the object of Governor Walker was to justify himself to me, from the best evidence he had in his possession, after the conversation we had had relative to his course.

Question. To show that the subsequent course of the President was an abandonment of his position in that letter?

Answer. I presume that was the intention.

By Mr. ROBINSON:

Question. You are under obligations of secrecy to Governor Walker, are you?

Answer. Yes, sir.

No. 28.

WEDNESDAY, *April* 18, 1860.

JOHN J. McELHONE called and sworn.

By Mr. OLIN:

Question. Where do you reside?

Answer. In Philadelphia.

Question. Do you know Governor Robert J. Walker?

Answer. I do.

Question. Were you ever shown by him a letter written to him in 1857 while he was governor of Kansas by President Buchanan?

Answer. Do you refer to his letter of the 12th of July, 1857?

Question. I do.

Answer. Yes, sir, I was shown that letter on several occasions; on one occasion, I think, in New York, at the St. Nicholas Hotel, while Colonel Forney and Major Polk, of Tennessee, were present; I dined here with Major Polk, of Tennessee, and I think it was just previous

to the dinner; at all events, it was in the afternoon; he drew the letter from his pocket.

Question. Who? Governor Walker?

Answer. Yes, sir; Governor Walker drew the letter from his pocket in order that Major Polk might hear what were its contents; Colonel Forney and myself had already seen it, and heard the declarations that were made in it; I can state very frankly with reference to the points of the letter, because Governor Walker himself on that occasion evinced no desire that it should be regarded in any way as a confidential communication; in drawing the letter from his pocket we all noticed that where it was folded down the paper was being worn away; when one of us directed his attention to it he said, "Yes, the letter is wearing away," and that he had determined to have it lithographed in order that it might be preserved; the impression which I got at the time was, that he was resolved to make it public; how soon, whether the day after or the year after, I could not tell; I do not recollect about that.

Question. Were you at any time made acquainted with its contents?

Answer. Yes, sir; my recollection is that I heard it read several times.

Question. What is your recollection as to the contents of that letter?

Answer. I will state that I was so impressed with the belief that it would be published that I did not pay the same attention to it that the others did; and I could not now, with any justice to the letter itself, give even a fair synopsis of it; I know, however, that it contained all that was claimed for it with reference to what it was said Mr. Buchanan had written to Governor Walker; I think there was a synopsis of it published in the "Press," in a letter from "Occasional;" it has passed out of my recollection since.

By the CHAIRMAN:

Question. What appeared to be the object of Governor Walker in showing this letter? Was it to show that Mr. Buchanan had abandoned the position he took in the letter, and to justify himself?

Answer. He always justified his producing the letter from the fact that it was necessary for his defence, because of the position in which he was placed by the administration in removing him from the governorship of Kansas, and also by the charges made against him in the "Union" at that time; the general belief was that those charges were, of course, made by the advice and with the consent of the administration itself; he wanted to show that he had not done anything in Kansas contrary to the instructions that he had received from Mr. Buchanan himself.

By Mr. ROBINSON:

Question. You say that letter fully sustained the published reports of it at the time?

Answer. That is my impression now, and I think it is so, too; it was a very strong letter.

Question. In regard to the submission of the constitution to the people?

Answer. Yes, sir.

Question. It took strong ground that the constitution should be submitted to the people?

Answer. Yes, sir; and I will state another thing: there was a letter written by Mr. Cobb which took the strongest ground in favor of the submission of the constitution of Kansas to the people, stating that in honor, because of the pledges made by the democratic party in 1856 to the people, there was no alternative but that of submitting the constitution to the popular vote.

By the CHAIRMAN:

Question. To whom was the letter written?

Answer. I do not recollect. It was written to some influential man in Kansas; my impression is that it was written to Mr. Calhoun, the president of the Kansas constitutional convention. It was intended for publication. Why it was suppressed I do not know. It was a very powerful argument, as I recollect it; I wrote it myself from Mr. Cobb's dictation. It was in no way a confidential letter.

By Mr. ROBINSON:

Question. You wrote out the letter?

Answer. Yes, sir.

Question. And you say that the ground taken in that letter was that in honor they were bound to submit the constitution of Kansas to the people, in consequence of the pledges made by the democratic party in 1856, that the people of Kansas should control this question?

Answer. I think that the expression was, that as honest men and hoping for justice for themselves, they should agree that the constitution should be submitted to the people for ratification or rejection; that they should decide for themselves whether they should or should not have slavery. As I recollect, the letter insisted that it was the wish of the administration that that course should be pursued.

By the CHAIRMAN:

Question. At the time that letter was written, was there not a strong hope entertained by the administration that that course would make Kansas a slave state?

Answer. I do not recollect anything at all about that; I do not know that I ever heard it stated.

WEDNESDAY, *April* 18, 1860.

ROBERT J. WALKER recalled.

By the CHAIRMAN:

Question. When you were here yesterday you declined to produce the letter of the 12th of July, 1857, written to you by Mr. Buchanan. It is right to inform you that since that time the Committee have availed themselves of the next best evidence they could obtain, and

have examined several witnesses to prove the existence of the letter, and also its contents.

Answer. Will the committee allow me to hear the testimony to which they refer?

The CHAIRMAN. Certainly; the committee deem it your right to hear it read.

[The testimony of Mr. Schnable, Mr. MacDowell and Mr. McElhone was then read to the witness. All these proved the existence of the letter; Mr. Schnable and Mr. McElhone testified in regard to its contents, and Mr. Schnable also testified concerning an interview with Judge Black, the Attorney General, within a few days past, in which Judge Black denied the existence of any such letter, and challenged its production if any such letter existed; accompanied with threats towards Governor Walker, if it was made public.]

By the CHAIRMAN:

Question. It now remains with you to determine whether, in the present position of the matter, you will produce that letter—first, to save the committee from subpœnaing witnesses to prove its contents, and next, in justification of your own course. I will now put the direct question to you. Will you now produce that letter?

Answer. It is due to me, gentlemen, to preface my answer by a few remarks.

After the reply made by General Cass, as Secretary of State, to my letter of resignation, I thought very seriously of publishing, then, this letter of the 12th of July, 1857. The reason which induced me to think so seriously of publishing the letter at that time was this: that that communication of General Cass seemed to dissent from the fact stated by me, as regarded the construction which Mr. Buchanan had given to the Kansas-Nebraska bill on the subject of submitting the constitution by the convention to the vote of the people. I was very indignant at that time, and if I had acted upon the excitement of the moment I would, under such circumstances, have published the letter in vindication of my veracity and my honor. After conferring, however, with many friends, some of whom thought it was due to myself to publish the letter, and others dissented from that course, I came to the conclusion that I would suspend my decision upon that question. Many of those friends urged very strongly a very different construction of General Cass's communication from that which I was inclined to give it, and insisted that it did not make any question of veracity between myself and the President. I did not think at all of publishing it until after this letter of General Cass; and I deem it my duty to say, as I think all the gentlemen who conferred with me at that time will remember, that I had no doubt its non-publication for a time would be injurious to me personally and politically, and that I never could replace myself fully in the position which I would occupy before the public by publishing it at a future period, because the popular attention would be withdrawn from the subject. But still I might vindicate myself on the page of history, which I was always determined to do. It was always, after this controversy, merely a question of time with me in regard to the publication of that letter.

I am free to declare to you, gentlemen, and I say it in no offensive sense, that I was very much alarmed about the condition of the country. I had fears, even, that the government itself might be endangered; and inasmuch as I have always been devotedly and enthusiastically attached to the Union—a subject upon which I have written much and thought much—I was apprehensive, and so I told these gentlemen, that if I published that letter at that time, although it would undoubtedly be beneficial to myself personally, I feared it would involve consequences that might imperil the government. And therefore, when I finally came to the decision to delay this publication, it was on this ground and this alone, and I have never been actuated by any other motive in this affair.

It was a long time before I would agree to go to Kansas. I refused two or three times verbally and once in writing. But the request was renewed from time to time with great earnestness by the President, and by many friends through whom he communicated with me upon this subject; and the great reason presented by him and them was, that the Topeka legislature were about assembling to put the so-called State government into actual operation, and that there was danger of revolution and civil war, which might extend throughout the Union and endanger the government. The President considered it the most important position in the country, and peculiar and very flattering reasons were given why I should go. It was said that I was a northern man by birth and a southern man by long residence and adoption, and perhaps enjoyed the confidence of the whole nation as to my impartiality upon this question, and that possibly I could do more, from these peculiar circumstances, to reconcile conflicting elements in Kansas than any other person. The last person whom the President sent to me on this subject, to urge me to go, was Judge Douglas, of the Senate, who was very earnest and very excited, and who seemed to regard the success of the Kansas and Nebraska bill in that Territory as, to a great extent, dependent upon my consenting to go.

It is necessary for me here to bring in a domestic allusion, although I do not wish to do it; but it seems to be necessary in order to understand and explain this matter. All my family were very averse to my going, particularly my wife. I had given her a promise that I would not go without her consent. After the visit of Judge Douglas, which was the last of the numerous ones that were paid to me on the part of the President's friends, I finally consented that I would go, on two conditions—first, that inasmuch as I had pledged my word to Mrs. Walker that I would not go without her consent, that, if possible, should be obtained, and I would contribute whatever aid I could to that result; and secondly, that there should be found to be a perfect concurrence between the President and myself upon the policy that was proper to be adopted in Kansas. I stated that, in my judgment, it was the true construction of the Kansas and Nebraska bill that the constitution itself should be submitted by the convention to the vote of the people. I stated that the phraseology of the bill was very peculiar, and that, in my apprehension of the case, my interpretation of that law, the submission of the constitution to the vote of the people was the great principle embodied in that act. I stated that

I was further confirmed in that view of the subject by the words of the Minnesota act, for that Territory was embraced in the Kansas and Nebraska bill in the same manner as Kansas itself. It applied to all the Territories. And that in that act of Congress of March, 1857, it peremptorily required the convention to submit the constitution to the vote of the people. I considered the Minnesota bill as giving a definitive construction by Congress to the Kansas and Nebraska act, and that, so far as I knew, that portion of the Minnesota bill by which the constitution was required to be submitted to the people was passed without a dissenting vote in either House of Congress. I do not say that the Minnesota bill itself had passed without a dissenting vote, but that that portion of it, so far as I know, had passed without any dissent, so far as I know.

There was a universal concurrence in those views with all those gentlemen representing the President who conversed with me upon this subject, and by the President himself, very distinctly and unequivocally expressed to me. After this consent thus given by the President to my views, he visited Mrs. Walker, and I think Judge Douglas did also, although I am not absolutely certain of that. I know that Mr. Buchanan did, the object being to induce her to withdraw her opposition to my going. I was present at the interview between her and Mr. Buchanan, in which the argument pressed by him was that there were peculiar reasons why I was the person who, more than all others, as he was good enough to say, might perhaps save the country by preventing this impending revolution, and securing the peaceable settlement of that question, and that there were many patriotic reasons why I ought to go. A long conversation ensued, the result of all of which was that my wife did consent.

First, my instructions were drawn out, which, according to my judgment, fully confirmed the doctrine of the submission of the constitution to the vote of the people, and the President himself so regarded them. I then set about to draw up my inaugural address. It was deemed important that I should present that address before the meeting of the Topeka legislature, with the view to prevent this revolutionary action on their part, which action would undoubtedly have brought about a collision by force; for there could not have been two governments in actual operation in Kansas at the same time; the one a State government, with a State legislature, a State governor, and State laws; and the other a territorial government, with a territorial legislature, a territorial governor, and territorial laws. It was therefore deemed very important that this address should be published before the meeting of the so-called Topeka legislature. I prepared that inaugural address, and Mr. Buchanan, by appointment, met me at my house, where he spent many hours, which were devoted to that subject. That address was not then complete, except that portion of it that related to the question of the constitution being submitted to the vote of the people, and what I said on the subject of slavery in Kansas. What I said on the subject of submitting the constitution to the vote of the people Mr. Buchanan fully approved. As regards what I said on the subject of slavery in Kansas, he suggested a slight modification, which, with some little variation from the words which

he suggested, but embodying substantially the same idea, was adopted by me. That modification suggested by Mr. Buchanan applied to only a single sentence.

I published that address on the 27th of May, 1857, at Lecompton, Kansas. The Topeka legislature, I think, were to meet about ten days afterwards, according to my best recollection; I know it was some time afterwards. That address, not from any particular merit it possessed, but from the solemnity of the occasion, produced a very deep impression upon the popular mind in Kansas; and undoubtedly, with my subsequent efforts at Topeka, it did suspend the putting into actual operation the Topeka State government, and did prevent a disastrous revolution and civil war, which would undoubtedly have extended to the bordering States of Iowa and Missouri, and which, I think, would have extended throughout the Union. For, according to the returns which I subsequently obtained and forwarded to the government, according to my best recollection, the Topeka party had 8,000 troops armed and drilled and disciplined, determined upon sustaining that government, as I believe. The reference to this you will find in my various communications submitted to the government. This inaugural address of mine was transmitted, I think, very early in June to the Secretary of State. the official organ of communication, and its receipt was acknowledged some time in June, I think; and of course the government, not only the President, but all the cabinet, had before them then, officially, my views upon this subject. No dissent was ever expressed, which, from the repeated communications that passed between us, I, of course, regarded as a distinct and continuous approval. The organ of the government here, too, "The Union," continued until, I think, some time late in the fall, in various editorials, to sustain my course in advocating the submission of the constitution to the vote of the people.

When I first arrived in Kansas, every effort to make Kansas a slave State was apparently entirely abandoned. It was universally conceded that it could not be made a slave State by a fair vote of the people, which I thought was the only way in which it could be properly made either a slave State or a free State. It being my opinion, which I have always entertained, that when a people come to frame a State constitution, they have a right to determine that, and all other questions appertaining to their local government, for themselves. I do not know the period during my whole life, commencing with the agitation, when a youth, of the Missouri compromise, that I have failed to advocate that doctrine.

It is due to frankness and candor for me to say, though I do not desire to introduce politics, that I certainly was very anxious to make Kansas a democratic State. And the only plan to accomplish this was to unite the free State democrats with the pro-slavery party, and all those whom I regarded as conservative men against the more violent portion of the republicans. But at the same time I determined that I would use no improper means to accomplish this object, but that I would do it, if I did it at all, boldly and openly by legitimate argument addressed to the people in written addresses and in very numerous speeches upon the stump. And I believe that the object

would undoubtedly have been accomplished if I had not been arrested in that course, and that Kansas would unquestionably have been a democratic State, and would have inserted provisions in her State constitution, as suggested in my inaugural address, in case she became a free State, conservative of southern rights. I thought, too, that if the constitution was not submitted to the people, but was attempted to be forced upon them against their known will, and I so stated in my correspondence with the President, as you will see, it would accomplish no good object for the slaveholding States; because the people thus exasperated would then elect a violent republican legislature, and that legislature would send two very violent republicans to the Senate of the United States, and a member of Congress would be elected entertaining similar views. No possible object for the benefit of the South or any portion of the Union could be attained by forcing the constitution upon the people against their will. I believe, too, and I so stated, that such a course would destroy the democratic party, probably produce civil war in Kansas, and endanger the government.

Shortly before I arrived at Lecompton, the county of Douglas, of which Lecompton is the capital, had held a public democratic meeting, and nominated eight gentlemen, I think, as delegates to the Lecompton convention, of which John Calhoun, then the surveyor general of the Territory, was at the head. The resolutions of the meeting required them to sustain the submission of the constitution to the vote of the people. They published a written pledge to that effect. Rumors were circulated by their opponents that they would not submit the whole constitution to the people. They published a second circular a day or two before the election denouncing these rumors as falsehoods, and reaffirming their determination, if elected, to submit the constitution to the people. But for these assurances, it is universally conceded, they had no chance whatever of being elected, not the slightest.

When the democratic territorial convention assembled at Lecompton in July, 1857, they passed resolutions unanimously endorsing, I believe, my course, although nearly all that convention was composed of pro-slavery men; for they constituted a majority of what was then called the democratic party there. A resolution was offered in that convention. I do not recollect its exact words, but in substance in favor of sustaining the constitution to be adopted by the Lecompton convention, whether it was submitted to the people or not. But after considerable debate upon the merits of the question, upon a test vote, that resolution was laid upon the table by a vote of 42 to 1. I still continued to entertain not the shadow of a doubt that the constitution would be submitted to a vote of the people by the convention, nor do I believe the slightest doubt then existed in the Territory.

I deem it due to frankness to say, that from my long residence in the south, and my very deep gratitude to the State which had adopted me and clothed me with the highest honors it could bestow, and repeated from time to time, and my general views on the subject of slavery, I should have greatly preferred, with a view to maintain the equilibrium of the government and to perpetuate the Union on the

basis of the Constitution, which I considered the great and paramount object—I should have preferred that a majority of the people of Kansas would have made it a slave State. I avowed these views, as regards the equilibrium of the government, very fully in my public printed communications in Kansas, and especially that of September, 1857. I never disguised my opinions upon this subject, and I especially reiterated the opinion that I was thus in favor of maintaining the equilibrium of the government by giving the south a majority in the Senate, while the north would always necessarily have a majority in the House of Representatives, which opinion I have entertained ever since the Missouri compromise, avowing it at that time and on a great many public occasions ever since, especially in my efforts to make two slave States out of Florida, and six slave States out of Texas. This opinion I still entertain, not from any sectional views, but because I do believe it would best tend to accomplish the great and paramount object of preserving the Constitution and the government; but at the same time it was perfectly obvious to myself and to every person that it was possible to accomplish that object by no fair means in Kansas. I was determined that, so far as my action was concerned, there should be a fair vote of the people, and that I would countenance no frauds or forgeries, or villainy of any kind, especially in connexion with a question so solemn as that.

This attempt to make Kansas a slave State developed itself in the fall of 1857. It first was fully developed by the terrible forgeries in the pretended returns—they were not legal returns—that were sent to me as governor of the Territory, and which I rejected, although that rejection gave a majority of the territorial legislature to my political opponents, the republicans, at which, I am free to say, I was deeply grieved. I did my best to secure a democratic majority in that legislature, and exerted myself most anxiously, making stump speeches, &c. The first forgery presented to me was the case at Oxford, which was a forgery upon its face; and that it was so, has since been acknowledged by one of the judges whose name purported to be signed to it. In a public document since published by him he declares that he never did affix his signature to it. In Oxford more than sixteen hundred votes were attempted to be given in a village of six houses, where there were not fifty voters; and it is now ascertained that not thirty votes were really given; the rest were all forgeries. My rejection of that return, inasmuch as it affected the two large counties of Johnson and Douglas, gave a majority of the territorial legislature to the republicans.

I was then very bitterly denounced, at which I felt profoundly indifferent, because I thought that any man who would approve or indorse such forgeries was a base and dishonest man, and I preferred his censure to his approval. Various personal threats were made, which I also disregarded.

The next return presented was that from McGee county, where there certainly were not twenty voters, but which was returned as over twelve hundred votes, given at three different precincts, and where it is now ascertained that there was no election holden at all—not a vote given in the county. These pretended returns were also rejected by

me; and at length it was fully developed that, contrary to all the pledges given, especially by Calhoun himself, the president of the convention, that they would submit the constitution to the vote of the people, another course was resolved upon.

Finally, a few days before the vote was taken upon the subject, Mr. Calhoun, the president of the convention, called upon me, and submitted substantially the programme as to slavery, which was subsequently adopted by the convention, and asked my concurrence. He presented various prospects of the highest place from the people of this Union if I would concur, and assured me that that was the programme of the administration. I said that that was impossible, and showed Mr. Calhoun this letter of Mr. Buchanan to me of the 12th of July, 1857. He said that the administration had changed its policy. I told him I did not believe it; but let who would change their views on that question, with me the question of submitting the constitution to the vote of the people was fundamental, and I never would change or modify my views on that question in the slightest respect; that I would fight it out to the end, be the consequences to me personally or politically what they might. Mr. Calhoun continued to insist that I ought to go with the President upon this subject. I denied that he had any right to speak for the President; that the office that he held, though far the most lucrative in the Territory, I believed was not connected with the administration of civil affairs, but to surveying of the public lands; and that if the President had any intimations to give to me on this subject, they could come from himself. I asked him if he had any letter from the President. He said he had not, but that the assurance came to him in such a manner as to be entirely reliable; that this particular programme (which was finally adopted in Kansas) was the programme of the administration. I stated that I never would assent to it, and I gave various reasons. I stated, in the first place, that I had openly pledged myself to the people of Kansas—declaring that I was so authorized by the President—so far as my power and that of the government would avail, that this constitution should be submitted fairly to their vote for ratification or rejection; that I had by these pledges (on which they relied) induced them to suspend putting the Topeka State government into operation, which otherwise undoubtedly would have been done; and that it would be dishonorable in me to forfeit these pledges, and that I could not do it. I stated that although I insisted that the Kansas and Nebraska bill required that the constitution itself should be submitted to the vote of the people, yet if they would make a good constitution, and submit the slavery question distinctly, by itself, to a fair vote of the people, although it did not correspond with my views, yet I would not interfere; but that the particular programme which they proposed to adopt did not submit the question of slavery to the people of Kansas; that it only submitted it to those constituting a small minority who were in favor of the constitution because the vote was limited to a vote "for the constitution with slavery," and "for the constitution without slavery," and those who were opposed to the constitution were not permitted to vote at all. Therefore, I considered such a submission of the question a vile fraud, a base counter-

feit, and a wretched device to prevent the people voting even on that question. I said to him that not only would I not support it, but I would denounce it, no matter whether the administration sustained it or not; and I always have denounced it, and shall ever continue to do so.

It is due to frankness to say, that when I came on here in November, 1857, the President himself distinctly and emphatically assured me that he had not authorized anybody to say that he had approved of that programme. I told him that such being the case, I could not but believe that some member of the administration, or some person in high authority enjoying its confidence, must have given these assurances, or Mr. Calhoun would not have made the communication that he had to me, and also changed his own course upon the subject. For Mr. Calhoun had been the distinguished and special leader of the Douglas party in Kansas, and was supposed to have been appointed surveyor general upon Judge Douglas's recommendation. He, Judge Douglas, certainly requested me to have him, Calhoun, retained, assuring me that he would support the submission of the constitution to the vote of the people; as he did, until a late period.

When Mr. Calhoun made this communication to me he requested me not to mention it to Mr. Stanton, the secretary of state of Kansas, and I believe I never have done so; nor should I have communicated it to you now except as necessary to my vindication from the testimony you have shown me to-day. It is also due to frankness to further say that I am fully impressed with the conviction that the President himself did not get up this programme, though I do believe it was gotten up by some of the administration, or others high in authority.

I feel very serious embarrassment about this question of producing this letter. I had refused yesterday to produce it, and I really and sincerely think, with all proper respect for this committee, that you have no right to demand it of me. And I certainly should not have produced the letter but for the testimony you have taken to-day, and especially the defiance that is thrown out by the President, and the suggestion that I have been exhibiting a letter that does not exist, and the intimation that even if it does exist, I dare not produce it. Gentlemen, that is all false; for I have always reserved the right to produce this letter, and publish it when and where and as I pleased, and have never made the slightest suggestion to the contrary to any human being; nor have I given any promise or pledge in relation to it whatever.

I suppose that this testimony which you have shown me to-day will be given to the public.

Mr. OLIN. That is our intention.

The CHAIRMAN. At the proper time, when we get through our investigation.

Mr. ROBINSON. It will all be made public.

The WITNESS. It seems, then, that not only are these intimations of Judge Black, such as I regard as affecting my honor, and which, were I now to remain silent, would produce most erroneous and unjust impressions against me upon the public mind which I could never remove, but it is also perhaps due to the President himself—inasmuch as you have proved the letter to a great extent by the testimony of

witnesses who have seen it—to make public this letter; although I assure you that I do it with the most intense reluctance, not from any considerations personal to myself, but from other considerations of a public character. But these statements which you have shown me, if any injurious effects to the country are to be produced at present, would perhaps be quite as complete from the version sworn to, as the letter itself. I think the letter has become now, as it were, a public letter. Its contents are proved before you, and these must be published. Besides, the President has also expressed, not to me but to others, his willingness that I should publish it. I am not restrained, then, by any sense of honor from publishing this letter now, although for the reasons that I have stated to you I would not have given it to you; and I had made up my mind to go to jail, even, under the order of the House, sooner than have submitted this letter to you.

But I think, in the present aspect of the case, that it is my duty to produce the letter—my duty to myself, and perhaps to the President—and I now do produce it. It is not marked "private" or "confidential," as you will observe.

[The witness here produced the letter, which he handed to the committee, who examined it.]

By Mr. OLIN:

Question. Is this letter in the handwriting of the President?

Answer. It is all in the handwriting of the President, the body of the letter as well as the signature. I do not wish to part with this letter; but will read it, so that your clerk can take it down.

The witness then read the letter, as follows:

"WASHINGTON, *July* 12, 1857.

"MY DEAR SIR: I duly received your letter of the 28th ultimo, on Friday last, and read it to the cabinet, then in session. The news which it contained was not calculated to assure us of your success, though we did not despond. Hence you may judge with what satisfaction we received an account of the proceedings of the national democratic convention held at Lecompton on the 3d instant.

"The point on which your and our success depends is the submission of the constitution to the people of Kansas. And by the people I mean, and I have no doubt you mean, the actual *bona fide* residents who have been long enough in the Territory to identify themselves with its fate. The legislature determined three months as the period of residence to entitle individuals to vote for members of the convention; and if the convention should think proper to adopt the same period to entitle individuals to vote for or against the constitution, it appears to me this would be reasonable.

"On the question of submitting the constitution to the *bona fide* resident settlers of Kansas, I am willing to stand or fall. In sustaining such a principle we cannot fall. It is the principle of the Kansas-Nebraska bill; the principle of popular sovereignty, and the principle at the foundation of all popular government. The more it is discussed the stronger it will become. Should the convention of Kansas adopt this principle all will be settled harmoniously, and, with the blessing

of Providence, you will return triumphantly from your arduous, important, and responsible mission.

"The strictures of the Georgia and Mississippi conventions will then pass away, and be speedily forgotten. In regard to Georgia, our news from that State is becoming better every day; we have not yet had time to hear much from Mississippi. Should you answer the resolution of the latter, I would advise you to make the great principle of the submission of the constitution to the *bona fide* residents of Kansas conspicuously prominent. On this you will be irresistible. With the question of climate every person is acquainted; and the more you insist upon this the more will our opponents urge that we are violating the principle of non-interference at the foundation of the Kansas and Nebraska law. It is strange that people at a distance, who have no practical acquaintance with the condition of Kansas, should undertake to be wiser than those on the spot.

"It is beyond all question the true policy to build up a great democratic party there, to sustain the Constitution and the laws, composed of pro-slavery and free State democrats; and if the majority should be against slavery, to obtain such constitutional provisions as will secure the rights of slaveholders in Missouri, and other States, and maintain all the laws guarding the just rights of the south.

"You are right in your conjecture as to the cause of Judge Williams's appointment. We supposed it would be peculiarly acceptable to yourself, and that he might aid in carrying out your policy. Colonel Cumming has been appointed governor of Utah. This will leave his place vacant, after the brief period required for settling up his business, and I shall certainly be disposed to fill it by the appointment of Mr. Stevens. General Harney has been selected to command the expedition to Utah, but we must continue to leave him with you, at least until you are out of the woods. Kansas is vastly more important at the present moment than Utah. The pressure upon me continues without intermission.

"I pray that Divine Providence, in which I place my trust, may graciously preserve my life and my health, until the end of my term. But God's holy will be done in any event.

"With every sentiment of esteem, I remain always sincerely your friend,

"JAMES BUCHANAN.

"Hon. ROBERT J. WALKER."

By the CHAIRMAN:

Question. What was the occasion of this letter being sent to you?

Answer. The occasion of it was to reply to my letter. Mr. Buchanan says: "I duly received your letter of the 28th ultimo, on Friday last, and read it to the cabinet, then in session." This letter was in reply to mine of the 28th of June, 1857. And inasmuch as I have produced the letter of the President, I wish the opportunity to produce my letter to which this is the reply. I have not got it here, but I will get it here with all due despatch, if I can. I think I have a copy of it; and if I have, I ask the privilege of putting it on record here.

The CHAIRMAN. Certainly; you are entitled to that.

The WITNESS. The President, in what he says about climate, does not refer to my inaugural at all, for we were perfectly agreed about that; he referred to what I said about the climate in Kansas and observations of the thermometer, if I remember aright, which I gave him in my private letter of 28th June, 1857, to which his was a reply, showing that it was exceedingly cold there and unfit for slavery; as cold in winter as the average of New England.

By Mr. OLIN:

Question. Have you any knowledge as to where this device in the constitution, in reference to submission, was gotten up?

Answer. I believe it was gotten up in Washington; Calhoun told me that it came from the President and the administration, and urged me on that ground to support it; inasmuch as I was an appointee of the President, I ought to go with the President; I then showed him this letter, as I have told you.

Question. I think you stated that, in your opinion, it was not actually gotten up by the President?

Answer. I think it was not gotten up by the President.

Question. Are you willing to state whether it was not done with his knowledge and assent?

Answer. It is due to frankness and candor to say that I do not think he knew anything about it; that is my opinion.

By the CHAIRMAN:

Question. Do you know who took the constitution to Kansas?

Answer. I do not know anything but mere vague rumor or suspicion; I know that Mr. Calhoun showed me this programme relating to the pro-slavery portion of the constitution, substantially as it was adopted, and said it was brought on directly from the President and the administration.

Question. Then, by the intimation you received from Mr. Calhoun, the President knew what was doing.

Answer. If Calhoun's statement to me was true; but I tell you, gentlemen, that from the infamous manner in which Calhoun behaved, forfeiting all his pledges, and from the fact that he must have been privy to the forgeries of the returns from Oxford, and also many other forgeries, I have long since ceased to have the slightest confidence in his veracity.

By Mr. OLIN:

Question. What reason have you for expressing the opinion that the President knew nothing about this?

Answer. His strong and decided assurances to me when I came here in November.

Question. His denial of it?

Answer. Yes, sir; it was so solemn, so serious, so grave, that I believed him then, and I have believed him ever since on that point.

Subsequently the following was received by the chairman:

"APRIL 20, 1860.

"SIR: In accordance with the reservation made in my testimony, I

herewith communicate to you, as a part of my evidence, a copy of my letter of the 28th June, 1857, to which Mr. Buchanan replied on the 12th July, 1857.

"Yours, very respectfully,

"R. J. WALKER.

"Hon. JOHN COVODE,
"*Chairman of Investigating Committee, &c.*

"P. S.—I send you a printed copy of my letter."

[Private.]

LECOMPTON, K. T., *June* 28, 1857.

DEAR SIR: I have been in a constant whirl of business and excitement since my arrival here, including seven public addresses. That a vast majority of the people of Kansas are with me is certain, but there are restless men on both sides who desire revolution. Before delivering my inaugural I conversed freely at various points with the people and with emigrants. There are several parties here: 1st. Free-State democrats, composed of men who supported your election; 2d. Pro-slavery democrats, who supported your election; 3d. Pro-slavery men, (a small party, mostly know-nothings,) who opposed your election and supported Fillmore; and, 4th. Republicans, who supported Frémont. With me are: 1st. All the free-State democrats, constituting a plurality of the settlers; 2d. A majority of the masses of the pro-slavery democrats, but a considerable portion of their leaders are against me on the point of submitting the constitution to the people. The pro-slavery know-nothings are against me generally. The republicans are against me generally, but three of their papers, including the most influential, are against the Topeka movement, if the convention will submit the constitution to the people. The relative strength of the respective parties is: 1st. Free-State democrats; 2d. Republicans; 3d. Pro-slavery democrats; 4th. (which is very small,) Pro-slavery know-nothings. Supposing the whole number of settlers to be 24,000, the relative numbers would probably be as follows: Free-State democrats, 9,000; republicans, 8,000; pro-slavery democrats, 6,500; pro-slavery know-nothings, 500. If, however, I had not taken distinct ground in my inaugural in favor of submitting the constitution to the people, and urged this measure in two speeches at Topeka, their legislature would certainly have passed a complete code of laws, and could have put them in practical operation by the popular will in a large majority of the counties of the Territory, and they will do the same thing next fall if the constitution is not submitted to the people. This is of course all wrong; but it would have been done, and would have united nearly all the free-State democrats with the republicans, and rendered a bloody collision and a tedious and sanguinary civil war inevitable, requiring the active services of troops in a large majority of our counties certain. When you recollect how many hundreds have fallen on both sides in the late civil war, how many houses were burnt, how much property was plundered, and how many were the insults and injuries, you may find the cause in part. But the principal cause is a fear that a pro-slavery constitution will be forced by a minority upon the majority. The number of slaves in Kansas is

probably about two hundred, it being estimated that two hundred have been taken away since the last severe winter. The following extracts are taken by me from the United States government register at Fort Leavenworth, for January, 1857:

January 3, 1857, 6 degrees below zero; January 6, 1857, 4 degrees below zero; January 15, 1857, 9 degrees below zero; January 17, 1857, 1 degree below zero; January 18, 1857, 20 degrees below zero; January 19, 1857, 7 degrees below zero; January 22, 1857, 1 degree below zero; January 23, 1857, 1 degree below zero.

(NOTE —This was at seven a. m., not the coldest hour, and attached to a house warmed by many fires. Parson Ker's thermometer at same fort, with different exposure, and I believe at an earlier hour, indicated, as I am informed, a temperature five degrees lower, and in 1836 the thermometer, as I am credibly informed, fell one day thirty-three degrees below zero.)

But the temperature is not the worst. To this must be added, first, the very great scarcity of fuel in this prairie country; second, and far worse, the almost incessant and tremendous winds blowing during the winter from the ice and snow-covered Rocky mountains over treeless wastes, often sweeping houses before them. Last winter, I am told, several negroes died in their beds from cold in Kansas. It is estimated in Europe that severe winds in winter are equal in their effect on animal life and comfort to a fall of twenty degrees in the thermometer; but here it must be much greater, not being interrupted, as in Europe, by forests. St. Petersburg, in Russia, would, it is said, be uninhabitable in winter but for the stillness of the atmosphere, of which you must know. The permanent existence of slavery here is then preposterous; and I never heard but one pro-slavery man in Kansas who did not concede the fact; and all admit that a very large majority of the settlers are for a free State. Indeed, it is claimed that a majority of the 9,251 registered voters are for a free State. A very large majority of the *squatters*, who came to the Territory from slave States, are said to be for a free State, partly from conviction that their claims would bring a larger price, and partly because many of them came here expressly to settle in a free State. The same is the case, to a limited extent, with pro-slavery men holding town lots, shares, and interests in projected railroads. The rage for speculation here is universal, and prices cannot be maintained; but if the convention fail to submit the constitution to the people there will be a universal crash. The Missourians will never vote here again unless stimulated by that wretched, hypocritical emigrant aid society, (falsely so called,) of Massachusetts, which imported bands of abolitionists to vote one day and leave the next in very many cases. Indeed, it was this that caused the irruption from Missouri. That great State nobly sustains my inaugural, because she knows a slave State here is impracticable, and that such an attempt by the minority would certainly make Kansas an abolition State. Yet South Carolina seems to understand this matter much better than Missouri, bordering on Kansas and so much more deeply interested. As I passed slowly into the Territory, stopping at various points, many called to see me. The free-State democrats universally urged me to insert an extract from my Pennsylvania letter of

September last in my address, and they would immediately break up the Topeka movement, and they feared its success if I did not. But I did not feel warranted to go so far, and therefore merely expressed the general opinion (which is an axiomatic truth) that "*ultimately*" the location of slavery in this country would be governed by climate, the thermometer, &c. My Texas letter contained this doctrine much more clearly and strongly, and so did my Pennsylvania letter of last September, both of which the democracy of the entire south enthusiastically indorsed. Yet now the extremists object to the axiomatic truths stated in my inaugural, and which they themselves have repeatedly asserted in Congress and elsewhere, viz., that climate and the dollar, and not philanthropy, drove slavery from the north. But they were predetermined to attack me, (as I assured you they would,) as is proved by their assaults preceding my address. They will be, however, a miserable minority even in the south, and only strengthen me and the administration in the north. From Pennsylvania I am assured we will sweep the State, and most intelligent democrats from New York write to me that, as a consequence of my positions, we will carry New York next fall. But rest assured that it is an undoubted truth that, unless I had inserted this climate doctrine (so well understood here) in my address, the Topeka legislature would have passed their code of laws, civil war would now be raging throughout Kansas, extending shortly throughout the country, the democracy and your administration overwhelmed, and the government itself overthrown. The expression of these great truths, so often heretofore promulgated by me, was a solemn duty, and I care not about the abuse heaped upon me if the country is saved.

And now let me assure you that a recent act of yours (unintentionally) has done a great injury in Kansas. It was the appointment of Judge Williams. When Cunningham's resignation was heard of here there were numerous aspirants for the place, and all called on me to recommend them, whether pro-slavery or free-State democrats. I declined to interfere, unless they could unite on a good democrat. They did unite most cordially—free-State and pro-slavery democratic leaders—on Mr. Stevens, a moderate free-State democrat, but an upholder of the laws, a very able lawyer, a most excellent, highly popular, and eloquent man, who stumped Ohio last fall for you, and emigrated last November. He has no superior in talents or moral worth in the Territory, and was persuaded to accept the office, if tendered. This recommendation was the first real union of the free-State and pro-slavery democratic leaders. When the paper, thus signed, was brought to me I agreed to transmit it with my recommendation to Washington, but before the paper was sent or the mail started we got the news here by telegraph to Jefferson city that Williams was appointed, and Mr. Stevens immediately notified me not to send on the application. There was great chagrin among our friends and equal rejoicing among the black republicans and violent pro-slavery disunion leaders, both saying I had no influence in Washington, and that I was not even consulted as to appointments. Now, unless I am thoroughly and cordially sustained by the administration here, I cannot control the *convention*, and we shall have anarchy and civil war. With that cordial support

the convention (a majority of whose delegates I have already seen) will do what is right. I shall travel over the whole Territory, make speeches, rouse the people in favor of my plan, and see *all* the delegates. But your cordial support is indispensable, and I never would have come here unless assured by you of the cordial co-operation of *all* the federal officers. No doubt you reasoned that Williams was a good democrat and a warm friend of mine, as well as yours, from old Somerset, and that I would make no complaints. But this shows the necessity of hearing from me. We have nearly all the returns in for election of delegates to the convention, and the whole vote for successful and unsuccessful candidates is but 2,100 out of 9,251 registered voters. The republicans say this is the entire strength of the pro-slavery party of Kansas. This is not so; but I have no doubt the free-State men constitute a majority of the registered voters. The black republicans would not vote, and the free-State democrats were kept from voting by the fear that the constitution would not be submitted by the convention, and that by voting they committed themselves to the proceeding of the convention. But for my inaugural, circulated by thousands, and various speeches, all urging the people to vote, there would not have been 1,000 votes polled in the Territory, and the convention would have been a disastrous failure. But, notwithstanding the small vote, if the convention makes a good conservative constitution, and submits it to the people, they will vote next fall, and we will succeed with a great deal of hard work. The labors of my office are excessive, keeping me constantly employed when not travelling and stump-speaking, but my health is excellent. This is a delightful and salubrious summer climate, but intensely cold in winter; and I could with truth (as I now know) have made my inaugural much stronger on this point; but I shall in due time have the range of the United States thermometer at Fort Leavenworth published. It must be remembered, however, that the cold increases as you go west, rising every mile as you approach the Rocky mountains and with decreasing timber. As I start to-day to address a public meeting, fifty miles distant, I have not time to write to Mrs. Walker. Please, therefore, let her hear from me through you.

Even the most violent of the pro-slavery party men here treat me in the social circles with marked respect and kindness. They praise all my inaugural but the *thermometer* (although they do not dispute the facts) and the submission to the people, but without that civil war would soon be raging in Kansas. The "Union" should warmly and constantly support me. The extremists are trying your nerves and mine, but what can they say when the convention submits the constitution to the people and the vote is given by them? But we must have a slave State out of the southwestern Indian territory, and then a calm will follow; Cuba be acquired, with the acquiescence of the north; and your administration, having in reality settled the slavery question, be regarded in all time to come as a re-signing and re-sealing of the Constitution.

Please say to Governor Floyd that the glorious sons of the "Old Dominion" here warmly sustain me.

It will never do to send General Harney to Utah until the difficulties

in Kansas are settled. He is a terror to the black republicans and just the man for the occasion. When first passing through Lawrence some of these black republicans told me the violent pro-slavery men, if I went for submitting the constitution to the people, would assassinate me or drive me from Lecompton. I told them I had fixed the exact day for running, namely, when General Harney ran first. They looked serious and did not relish the joke. I shall buy nothing in Kansas—lands, lots, railroad shares, &c. This is already known, from repeated refusal, and I think helps me much with the people. I shall be pleased soon to hear from you. Cuba! Cuba! (and Porto Rico, if possible) should be the countersign of your administration, and it will close in a blaze of glory.

Most truly your friend,

R. J. WALKER.

JAMES BUCHANAN,
President of the United States.

P. S.—If Colonel Cumming resigns as superintendent of Indian affairs here, I think the democracy here would be delighted to have the Mr. Stevens to whom I have referred, and I will send on his recommendation to that end next week. He should be a firm Union-loving democrat, who will co-operate with me and be present at Lecompton in September.

You may read this letter, if you please, to the cabinet.

No. 37.

THURSDAY, *April* 26, 1860.

THOMAS L. CLINGMAN called and examined.

By Mr. TRAIN:

Question. Did the President ever inform you that Secretary Thompson devised the mode of submitting the constitution to the people of Kansas which was adopted by the Lecompton convention?

Mr. WINSLOW. I object to the question. Mr. Clingman is a senator of the United States, and I do not think it is competent for the committee to inquire concerning any conversations between the President and a senator touching the policy of the government. I do not know what Mr. Clingman will say; he may answer or not, as he chooses.

The WITNESS. I can answer the question very readily, and perhaps it will better satisfy the committee for me to do so. I have never heard the President say anything with reference to that matter; he never mentioned to me that Mr. Thompson had any connexion with it. That would be my answer; but, at the same time, I think it proper to say that I am not prepared to admit, without further reflection, that I would be under any obligations to repeat any conversations I might have had with the President. As to this particular question, I thought it better to say that I knew nothing about it, simply because it might relieve the minds of the committee. I am very sure that the President never said anything to me about the Lecompton constitution being

prepared by Mr. Thompson, or mentioned his name or that of any other person in connexion with the getting up of the Lecompton constitution.

The CHAIRMAN. We had some information from a man connected with Kansas at that time, and we thought it better to ask you if there was anything in it.

No. 38.

THURSDAY, *April* 26, 1860.

M. P. BEAN called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside in Frémont, Sandusky county, Ohio.

Question. What is your occupation?

Answer. I am a printer, editing and publishing a paper now.

Question. What paper?

Answer. The "Democratic Messenger" is the name of it.

Question. You held a clerkship here for a few years; how long did you hold it?

Answer. I was appointed by Colonel Allen shortly after he was elected Clerk of the House; I think I took my place on the 14th day of December, 1857, within a week or ten days, or such a matter, after he was elected Clerk.

Question. You were in that position during the pendency of the Lecompton question before Congress?

Answer. Yes, sir.

Question. Will you state whether you were enlisted in the passage of the English bill, and what compensation you received for it?

Answer. I do not understand the question.

Question. Were you enlisted for the passage of that bill?

Answer. I was opposed to the passage of the Lecompton bill.

Question. How about the English bill?

Answer. I was in favor of its passage, from principle, not from interest—as a matter of policy.

Question. Did you receive any money from any party during the pendency of the English bill?

Mr. TRAIN (to the Chairman.) I suppose you mean, to be employed for its passage.

The WITNESS (to the Chairman.) Extend that question, and I can answer it fully.

By the CHAIRMAN:

Question. How will you have it extended?

Answer. Extend it so as to include what the member (Mr. TRAIN) said, and I can answer it fully.

Question. Answer the question as I have asked it.

Answer. I do not want to refuse to answer any question; but I would rather have time to study it before I answer it in that shape.

Qucstion. Did you receive any money; and if so, in what amounts, and from whom?

Answer. I never received any money from any party to be used for the purpose of influencing a member of Congress for or against the passage of any bill.

Question. Did you not receive a considerable sum of money just at that time, or a check for a considerable sum of money?

Answer. I do not want to answer that question now; I rather not answer it now.

Question. I will state to you that we have the documents in relation to this matter, which will, perhaps, lead you not to hesitate to answer. Did you not receive a check from Mr. Cornelius Wendell for $5,000 a very short time before the English bill was passed?

Mr. WINSLOW. I do not think the witness is bound to answer that question.

Mr. OLIN. What is the objection to it?

Mr. WINSLOW. I have no objection if the witness chooses to answer. But I would not answer such a question if it was asked me.

Mr. OLIN. Why not?

Mr. WINSLOW. Because I think you have no right to ask me such a question, unless you put some question showing its relation to the subject of your examination.

Mr. OLIN. Put one question at a time. Let this be answered, and then we can ask what use he put the money to, if he received it.

Mr. WINSLOW. Connect the question with any subject embraced in our investigation, and that will be a different matter.

The CHAIRMAN. I do not care whether the witness answers the question or not; we can have the bank books brought here to show it.

Mr. WINSLOW. As I have said before, I cannot sit here and suffer questions that I do not think proper to be put without objection.

Mr. OLIN. If we are to embody in one question the whole transaction, with all its circumstances, &c., an answer to which would prove the entire case of corrupt use of money, you would never get an answer in the world.

Mr. WINSLOW. As I have said before, you have no right to get at a legal result by illegal means.

Mr. OLIN. This is not illegal means.

Mr. WINSLOW. You have no right to ask general questions of any witness about his private business.

The CHAIRMAN. It is not to be supposed that he received $5,000 to attend to his business as newspaper clerk.

Mr. WINSLOW. I do not know anything about that. If you can prove that Mr. Wendell put $5,000 in his hands, you can then put the question to him as to the purpose for which it was put there.

Mr. TRAIN. Why not prove that by this witness as well as by anybody else?

Mr. WINSLOW. If he chooses to answer it he can.

Mr. OLIN. He has no option but to answer the question.

Mr. WINSLOW. I think he has.

Mr. OLIN. He can assert that it was private business. But we are to decide that when we get the facts. I have examined too many

knaves and tried too many questions of law to be deceived by any such pretence as that.

Mr. WINSLOW. I do not think that you ought to use language offensive to me when I am doing that only which I consider my duty. I may not have examined as many knaves as you have, but I have tried many questions of law myself, and it is not a pretence with me when I object to this course of examination. I do not suppose you meant to be personally offensive to me in what you said.

Mr. OLIN. That was not my intention. I referred to the plea of private business, on the part of the witness, as a reason for refusing to answer the question.

By the CHAIRMAN (to witness:)

Question. What did Mr. Wendell give you five thousand dollars for, a few days before the passage of the English bill?

Mr. OLIN. Has he said that Mr. Wendell did give him $5,000? I think that question would be open to the objection of assuming what has not been proved.

The WITNESS. I want no difficulty with the committee; Mr. Covode understands that. I have already said that I received no money from Mr. Wendell, or any other person, to be used for the purpose of influencing a single member of Congress for or against the passage of any bill. I do not know whether I am right or wrong; but it strikes me that I cannot be compelled to answer that question any fuller than that. If it be decided that I must answer, I will go on and answer the question fully.

The CHAIRMAN. I will put it to the vote of the committee whether the witness be required to answer the question fully.

The question was then read as follows:

Question. Did you not receive a check from Mr. Wendell for $5,000 a very short time before the English bill was passed?

The question being taken, whether the witness be required to answer the question, it was decided in the affirmative, yeas 3, nay 1, as follows:

Yeas—The Chairman, Messrs. Olin and Train.

Nay—Mr. Winslow.

In giving his vote Mr. WINSLOW said:

I think in the way the question is put the witness is not bound to answer it.

The WITNESS, [being called upon to answer the question, said:] I want time before I answer that question. I do not want to answer it this morning. I want to understand my legal rights in this matter.

By the CHAIRMAN:

Question. Did not Mr. Wendell offer you $20,000 if you performed certain political services connected with the passage of the English bill?

Answer. He made a proposition of that kind to me; not the English bill, but any other bill, before the committee was raised.

Question. Was it for raising the committee?

Answer. The matter was so long ago that I have forgotten the exact particulars about it.

Question. Connected with the English bill?

Answer. It was connected with the whole Lecompton controversy.

Question. You have said that Mr. Wendell offered you $20,000 for that service?

Answer. I did not say that he offered that; but that he made a proposition with which that was connected.

Question. Will you state how much he really gave you?

Answer. That is the question I want time on before I give an answer. I do not say that I will not answer it; but I want to understand my legal rights before I do answer it.

The clerk of the committee was directed to furnish the witness in writing with the follow question:

"Question. Did you not receive a check from Mr. Wendell for $5,000 a very short time before the English bill was passed; and if so, upon what consideration and for what purpose was it paid to you?"

By the CHAIRMAN:

Question. When you were subpœnaed in Ohio did you not decline to come until you could go and see Judge Hall?

Answer. No, sir. I had some business in court over there that I wanted to see about.

Question. Did you not go and see Judge Hall and have an interview with him before you came here?

Answer. I did, and told him that I was coming here; but he knew nothing about this transaction. I did not decline to come here. I told Mr. Allen, who summoned me, that I was taken by surprise. My paper went to press that evening. It was a little country printing office, and you know how it is when you take away an extra hand. I asked Mr. Allen if it would not do as well for me to come on on Tuesday, instead of starting then, as I wanted a letter from Judge Hall, and did not know how long that would detain me.

Question. Did you not tell the officer that before you came on here you wanted to have a conversation with Judge Hall, and see him about it?

Answer. Not in regard to this matter. I was talking with two or three friends present, the postmaster was there, about coming here, and said I must see Judge Hall, or get a letter from him.

By Mr. WINSLOW:

Question. How long time do you want to answer the question propounded to you by the committee?

Answer. I do not ask longer than till to-morrow morning.

FRIDAY, *April* 27, 1860.

M. P. BEAN recalled.

By the CHAIRMAN:

Question. Have you prepared your answer to the interrogatory furnished you yesterday?

[The interrogatory was read as follows:

"Question. Did you not receive a check from Mr. Wendell for $5,000 a very short time before the English bill was passed; and if so, upon what consideration and for what purpose was it paid to you?"]

Answer. I have not had a consultation with anybody, but I will answer the question. I received such a check from Mr. Wendell The consideration was my services, as I understood the matter, in aiding that Lecompton settlement. I cannot tell whether it was before the conference committee was raised, or after it was raised, and before the bill was passed.

By Mr. OLIN:

Question. Do you recollect whether the check was made payable "Kansas?"

Answer. That is my impression; but I am not positive about it.

Question. And you deposited that check in the Bank of the Metropolis, of this city?

Answer. Yes, sir.

Question. How soon after the receipt of it?

Answer. Within a very few hours, I think. I went up as soon as I could get away from the office here, I think.

Question. And took a certificate of deposit from the bank?

Answer. I think I drew $100 or $200 in money; I think it was $200, a small amount.

Question. And took a certificate of deposit for $4,800?

Answer. For the balance, whatever it was.

Question. Did you subsequently take out a portion of that balance?

Answer. A short time afterwards I got a draft on New York for $4,000, and the balance I drew out from time to time, as I needed the money. Some I sent home, and some I spent here.

Question. What did you do with that draft on New York?

Answer. I sent it home to my banker, and gave him orders to pay certain debts of mine out of that draft.

Question. What bank was that draft deposited in?

Answer. In the Exchange Bank of Bucyrus, Ohio, where I was then living.

Question. Who were the cashier and president of that bank at that time?

Answer. I am not certain whether Mr. Reynolds or Mr. Quimby was cashier; I think Mr. Reynolds was cashier, and Mr. Quimby was president.

Question. You say that that balance of $4,000 was subsequently applied to pay certain debts of yours?

Answer. As far as the debts reached; and the balance was lying there when I went home.

Question. Do you recollect for what, and to whom any considerable amount of that money was paid?

Answer. There was a judgment due the Cincinnati type foundry, the cost and everything of which amounted to considerably over $300. Then there were various little amounts running from $25 or thereabouts, up to about $100 or $200. The whole amount paid out for debts reached as near as I can remember to $2,000, or in that neigh-

borhood. I gave to the banker all the debts that I could remember that I wanted him to pay. What they amounted to I do not remember, and I did not know at the time. I told him to pay whatever they amounted to.

Question. Do you recollect anything else you paid besides this judgment?

Answer. I paid my brother some borrowed money. The original amount was $150; I directed Mr. Quimby to send him $175. My brother was then living below Columbus, and I think I directed a draft upon New York to be sent to him.

Question. You say this money was given you, as you supposed, in consideration of your services?

Answer. Yes, sir.

Question. What services were you expected to perform?

Answer. To get every member that I could to vote for the bill, or for raising the conference committee, whichever it was.

Question. How get them?

Answer. I know of no other way except by electioneering with them.

Question. By personal solicitations?

Answer. Yes, sir.

Question. Where did you stay in this city during that session of Congress?

Answer. Nearly opposite Brown's, over Weaver's confectionery store.

Question. Did anybody room with you?

Answer. Yes, sir; Judge Hall, a member of Congress.

Question. Do you know the amount of the fund used for the purpose of interesting persons to aid in the passage of that bill?

Answer. No, sir; I never had any means of knowing.

Question. You never had any information upon the subject?

Answer. No, sir.

Question. Do you know from what source this $5,000 came?

Answer. Nothing more than that I got it out of the bank. I never inquired where it came from.

Question. Who handed the check to you?

Answer. Mr. Wendell, himself.

Question. What conversation had you with Mr. Wendell upon the subject prior to the receipt of the check?

Answer. I could not give the exact conversation.

Question. Can you give the substance of it?

Answer. I can give something near the substance of it. Mr. Wendell sent for me—it was over in the old hall—he sent for me to meet him in Colonel Allen's room, the clerk's office, when the Colonel was out, or before he came up in the morning. I went around there, and, if I remember correctly, he asked me to sit down, and asked me what I could do towards helping along this matter, or something of that kind. I told him that I did not know that I could do more than I was doing; that I was then doing all I could to get that thing settled. He claimed that I could do more, and I claimed that I had no influence with any member who was not already in favor of the settlement

of it; in favor of raising the committee, perhaps. I do not know whether it was before the committee was raised, or after I told him Judge Hall was in favor of it. He turned to me and said: "You might just as well make some money out of this as any one." I told him I did not know how I could get the money. He said: "You damned little fool, you might as well make money out of this as anybody else." I can tell you how he got that idea. There was a young man in the same room with me, of the name of Reynolds, of Tennessee—S. D. Reynolds—he was a strong Lecompton man, and I was opposed to it. I used to bore him and joke him about the weakness of the administration, that could not get a measure passed that they were anxious to have passed. I told him I would take the contract for putting that measure through for $10,000. He took it in earnest. Now, I meant no such thing, and was only joking him and boring him about the matter; and that was the way Wendell came to me. I told Wendell at the time that I was only boring Reynolds; that I had no such power; that I knew none of the members except some of the Ohio members, and I would not dare to approach them with money. It was then that Mr. Wendell made the proposition about the $20,000 that Mr. Covode asked me about yesterday; I refused to have anything to do with it that morning, and told him I would study about it, and see him again. I met him again the next morning, and finally took the check for $5,000, and agreed to do all I could for it; which I was then doing, and had been doing before.

Question. Did he designate any manner in which you were to exert your influence?

Answer. No, sir.

Question. Whether with money or solicitation?

Answer. No, sir; he never intimated that he wanted me to use this on any member.

Question. Did he intimate that you were to keep it yourself?

Answer. He did not say; I took it as my own, and sent it off and used it.

Question. With whom did you have any communication about it?

Answer. I do not know that I talked with any one; Reynolds knew all about the transaction; I may have told him; I do not know whether I did or not; I know that he knew all about the transaction, but whether he got it from me or Wendell I do not remember; I may have talked with Reynolds about it at the time; I do not remember how that was; but I talked with nobody but him at any time about it.

Question. After the receipt of this check, what did you do towards performing any service?

Answer. Just as I had been doing all along before.

Question. Whom did you see?

Answer. I never ran after a single member; I never had any opportunity without forcing myself upon any member, which I never did upon any subject; I urged the settlement of that question as I had been doing before.

Question. Do you recollect any conversation you had with any member?

Answer. I do not; I never did converse with any member alone

about it, unless it was with Judge Hall, who was always in favor of doing just what was done; I do not think I conversed with any other member alone.

Question. Did you ever state to any one in what way you disposed of that $5,000, or any portion of it?

Answer. I think not, unless it was this man Reynolds; I may have told Reynolds; I think it very likely that I did; I knew that he knew all about it, and was noways reserved with him; I never told anybody else.

Question. You have not told to any one, whom you recollect, what disposition you made of the $4,000?

Answer. I think not, only to the members of this committee; I am positive I did not.

Question. You say that you got from the Bank of the Metropolis a draft on New York for $4,000?

Answer. I am satisfied that I did; I took back the certificate of deposit within a few days after I deposited the check there, and sent that $4,000 home. My object in doing that was to secure it; I was afraid that they would find out that I was not doing anything, and would stop payment upon it.

Question. You returned the certificate of deposit, and of course this draft would appear upon the bank books.

Answer. I do not know anything about their manner of keeping books.

Question. Is your recollection distinct that you took a draft upon New York for $4,000?

Answer. It has been so long ago that I do not remember the exact points; but I am pretty well satisfied that that was the amount I got.

By the CHAIRMAN:

Question. What conversation had you with Mr. Wendell at the time he proposed to give you $20,000?

Answer. That grew out of my gassing with Reynolds, my joking and plaguing him; he proposed if I would take the contract to give me $20,000. Here is a memorandum which he made and handed to me when he left me, or during the first conversation, I do not now remember which it was. In place of telling it, he wrote it down while I was looking on. Says he: "Here is what I will do," and then wrote this: "$5^{d} ——, $5^{30} ——, $5^{60} ——, $5^{90} ——."

The understanding was, that this was $5,000 apiece. I said, "I would rather take the $5,000 down, and not take the contract."

By Mr. OLIN:

Question. Was this $5,000 apiece for four men?

Answer. I forget the number of men who were needed to pass the bill, or raise the committee, whichever it was.

By the CHAIRMAN:

Question. Is this [the memorandum the witness had produced] in Mr. Wendell's handwriting?

Answer. Yes, sir.

Question. Did Mr. Wendell evince a willingness to invest a great deal more than that in Lecompton?

Answer. He made a remark something like this: "A bushel of gold is no object in this matter."

Question. In what matter?

Answer. In the passage of the bill, or in the settlement of the Lecompton question. There was no bill then before the House, I think; I am not certain which it was.

Question. Do you recollect whether it was before the conference committee was raised or after that you changed your deposit and took a draft?

Answer. I did it within a few days after I first went to the bank; I think it was in the same week. I got uneasy about it; I did not dare to talk with anybody about it, and did not know but what they might go and attach it, or do something to stop payment, if they found I was doing nothing; and I could do nothing more than I had been doing.

Question. Could you understand why it was that Mr. Wendell offered you only $20,000, when he said that a bushel of gold was no object in getting that matter settled?

Answer. He said that when he was urging this proposition upon me; urging me to engage in this matter. I understood him by that to mean, that if I even wanted more I could have it; that was what I understood by that remark.

Question. Did you not give Mr. Reynolds a portion of this money in consideration of his services in getting you the agency in this matter?

Answer. He said to me one day "you made a good thing out of this, and you never would have got it but for me, and you ought to give me something." Says I, "I will give you something, Sim." I told him that I would go up to the bank the next morning. I did go up and drew out some money; I do not remember how much I gave him; it was either $150 or $300, I do not know which; it was not over $300, and I do not think it was under $150; I think it was one of those two sums.

Question. Did you know any other parties who were engaged here as outsiders in helping to get the Lecompton bill passed?

Answer. There were plenty of them.

Question. Who were engaged in that business?

Answer. I do not know any one who had the handling of any money.

Question. We understand that one man who had the handling of money in that matter would not tell any one else about it; I mean, who were engaged in getting that bill through?

Answer. There were a great many men here from Ohio pressing members to vote for that bill.

Question. Can you name any one who came at that particular time, for that purpose, that you knew of?

Answer. I do not know any who came for that purpose. There were men here from a number of districts who urged members to vote for that bill. Colonel Medary was here. Mr. Johnson was here, as a

candidate for United States marshal; that was the business he was here about.

Question. Where does Mr. Johnson live?

Answer. He lived then in Toledo; but I think he is now in Cleveland.

By Mr. ROBINSON:

Question. In whose district was he then living?

Answer. In Mr. Mott's district. There were a number, I cannot remember all of them, who came here for that purpose, as I suspected. There was old Colonel Sawyer, formerly of Ohio, but who was then holding a land office somewhere in Minnesota. John K. Miller was here; he was formerly a member of Congress from Mt. Vernon, Ohio; and Judge Kennon was here from St. Clairsville.

Question. Was there any man from Fremont here then—from the town where you now live?

Answer. Mr. A. J. Dickerson was here, but only for a short time; he was a candidate for United States marshal.

Question. Was he here when the bill passed?

Answer. Yes, sir; there were a great many men here from Ohio; some for offices, and some for other purposes.

Question. I want to know those who were here interested in that bill?

Answer. I do not know any man who came here on purpose for that. There was but one from our district, I know.

Question. Do you know who was the principal agent in getting the postmaster at Columbus restored at the time of that trouble?

Answer. I do not know only what I have heard—street rumors.

By Mr. WINSLOW:

Question. Tell what you know; street rumors would not be evidence.

Answer. I was not cognizant of anything about that matter myself.

By the CHAIRMAN:

Question. Did you not know that Mr. Johnson was particularly active in that matter?

Answer. Yes, sir, he was.

Question. Was not Mr. Johnson a particular friend of Mr. Cox at that time?

Answer. No, sir, I think not; Mr. Cox is not from his district at all; he lives in the southern judicial district of Ohio, and they had nothing to do with the appointment of marshal there.

Question. Have you not got reliable information that the passage of that Lecompton measure cost a great deal more money than the amount you have named?

Answer. I have heard men talking on the streets about it; I know nothing of myself at all.

By Mr. ROBINSON:

Question. Who did you hear talking about its costing a great deal of money; let us have the names, and we can call them as witnesses.

Answer. I heard men talking, saying that men could be bought; I know of no one who would be likely to know anything about it who did talk in that way; I do not think a man who knew anything about that matter would talk about the streets promiscuously about it.

By the CHAIRMAN:

Question. What other clerk connected with the House was particularly interested in this matter?

Answer. None that I know of, except that the southern boys generally were pitching in for it; but I do not think the clerks were officious about the matter; I did not know of any who were.

By Mr. ROBINSON:

Question. What time did you leave the clerk's office?

Answer. The Monday after Mr. Forney was elected.

Question. You remained in office until Mr. Forney was elected?

Answer. Yes, sir; I asked for a discharge and he gave it to me.

By the CHAIRMAN:

Question. Was not Mr. Carter, the chief clerk, engaged in this matter?

Answer. He seemed to be very anxious that the bill should pass, and took a great deal of interest in it; but I never knew him to be engaged in any speculation of this kind.

By Mr. OLIN:

Question. Did you know any man of the name of Crowell here in Washington?

Answer. I do not remember any such name.

By Mr. WINSLOW:

Question. Do you say that you did not pay this money or any portion of it to any member of Congress?

Answer. No, sir; I would not dare to venture upon any such operation as that; I had too high an opinion of our Ohio members to do anything of that kind?

By Mr. OLIN:

Question. You made no donation to any member of Congress?

Answer. No, sir.

Question. Do I understand that you have a distinct recollection of taking a draft on New York for $4,000 from this Bank of the Metropolis?

Answer. Yes, sir, I am positive about that; as to the exact date I cannot give it; but it was very shortly after I deposited the check.

Question. It was for $4,000, was it?

Answer. I may be mistaken within a couple of hundred of dollars of the amount; but I feel positive that it was for $4,000.

Question. Whatever the balance was, you took a draft on New York for it?

Answer. I still left on deposit a balance of $700 or $800.

By the CHAIRMAN:

Question. Perhaps by stating the particulars of the transaction, I can refresh your memory; you went there with the check for $5,000 and deposited it; you drew $200 in money and a certificate of deposit for $4,800; in a few days afterwards you took back the certificate of deposit, drew out $100 for your use then, got a credit on the books of the bank for $700, and got a draft on New York for $4,000; so that out of the $5,000, you used $1,000 here, and sent off $4,000.

Answer. Yes, sir, that is what I did; I could not state it better myself.

Question. Your account was closed when you surrendered your certificate of deposit, and a new account was opened by you with the bank?

Answer. Yes, sir.

MONDAY, *April* 30, 1860.

M. P. BEAN recalled.

By Mr. WINSLOW:

Question. Do you know anything about any connexion of Senator Fitch with the payment of any money in relation to the Lecompton bill in any way?

Answer. I do not, except, as I explained to Mr. Covode this morning, in reference to a newspaper that some parties wanted me to go in in Ohio. Perhaps it would be as well for me to give the whole transaction. It was proposed to me to go out into Ohio.

Question. By whom?

Answer. Mr. Johnson first made the proposition to me.

Question. Who was he?

Answer. He was appointed United States marshal afterwards for the northern district of Ohio. At that time the newspapers there were nearly all opposed to the Lecompton bill, and it was proposed to me to go out there and buy out a newspaper and support whatever measure was passed upon that question. I agreed to do so, if they would furnish me the funds. Johnson agreed to try and raise the funds for me. I never supposed that he could do it; but he kept telling me that he could do it until it became a bore to me. I kept telling him that he could not do it, and it was of no use trying. The thing ran along that way, I think, until after the committee reported the English bill. I am not positive as to the dates, but I think it was after the report of the English bill, when Johnson came to me one day and said: "I want you to go down with me and satisfy yourself that I have raised that money. Go down and see Senator Fitch now." I went down and saw him, and that, I think, was the first and the last time I ever saw him. Mr. Fitch was dressing, about to leave the city; I think he had his coat off. I do not remember whether I took a seat or not. The

interview did not last over five or ten minutes. Mr. Fitch said to me: "This matter is all right; these funds have been raised." I would not swear that he said he had the check in his pocket. But he either said that he had "the check" or "the papers" in his pocket, and that he was waiting for Colonel Medary to come back, intending to hand the papers back to the one he got it from, as he himself had to go home. That is all I know anything about, and that was in connexion with a newspaper.

By the CHAIRMAN:

Question. What was the amount?

Answer. The amount was $5,000. I had in view then the same press I have since bought, and which I took possession of the 20th of August last.

Question. You say that that $5,000 had nothing to do with the $5,000 that you received for your services in the Lecompton matter?

Answer. No, sir.

By Mr. WINSLOW:

Question. You did not receive that $5,000 at all?

Answer. I never saw it; I never received a single dollar of it. After the English bill passed I do not remember but a single democratic paper in Ohio that did not support that bill, and the thing fell through with that.

By the CHAIRMAN:

Question. You understood from Dr. Fitch that he had the money or the papers in his pocket?

Answer. He may have said "papers," or he may have said "check." At any rate, the understanding was that money had been raised. I state before my God and my country that no member of Congress, to my knowledge, ever received one cent of money for his vote upon that English bill.

Question. Will you give the information that you suggested to me you would give relative to who negotiated with a member of Congress?

Answer. I did not mean by that that there was any moneyed transaction.

Question. Well, negotiated in any way?

Answer. I thought and understood from your conversation then that you were driving at Mr. Cox. I had in view this man Dickerson, from Frémont, that you had a letter from. He told me himself that he helped to manage that matter with Mr. Cox. But there was no moneyed transaction in the matter. I am satisfied there was none.

By Mr. ROBINSON:

Question. What was the arrangement?

Answer. The only arrangement I ever heard anything about, or knew anything about, was that his postmaster at Columbus should be reinstated.

Question. For what?

Answer. If he would vote for the English bill.

Question. Whom did you get that from?

Answer. From this man Dickerson; I never talked with Mr. Cox upon the subject.

Question. Did this man Dickerson pretend that he made the arrangement with Mr. Cox to do that?

Answer. That he was one of the parties. I suspected it was true, because his postmaster was reinstated there.

No. 39.

MONDAY, *April* 30, 1860.

SAMUEL MEDARY called and sworn.

By Mr. TRAIN:

Question. Where is your residence now?

Answer. It is in Kansas; that is, I am there; my family are yet in Ohio.

Question. Were you in Washington at or prior to the time of the passage of the English Lecompton bill in 1858?

Answer. I was not here at the time of its passage; but I was here a short time before.

Question. About what time did you leave here?

Answer. About the time the committee of conference was raised; I think it was the next day or so that I left for Ohio.

Question. The committee of conference was ordered on the 14th day of April, 1858. You say you left here immediately after that?

Answer. Yes, sir; a day or two after.

Question. Had you been engaged in endeavoring to procure the passage of the Lecompton bill?

Answer. Well, sir, not more than I am always engaged in political matters—using my influence. I was in favor of its passage.

Question. Did you bring any influence to bear upon members of Congress with whom you were acquainted?

Answer. I do not think I did; it did not seem to have any effect upon those with whom I talked.

Question. Did you receive any compensation for any services you rendered while you were here in reference to that matter?

Answer. No, sir; not either then or at any other time.

Question. Did you at any time receive a check from Senator Fitch for $5,000?

Answer. No, sir; I never saw such a check at any time.

Question. Did he give you $5,000 in any form?

Answer. No, sir; I never got $5,000 in my life for anything, except what I earned.

Question. Then, if anybody testifies that you did receive $5,000 from him, he testifies what you say is false?

Answer. Certainly false; positively false; I was never offered

$5,000, and I never saw $5,000 or five cents, nor anything else of the kind in connexion with that matter.

Question. Do you know whether any money was ever paid to any member of Congress to influence his vote?

Answer. I do not know anything of the kind.

Question. Do you know what influences were brought to bear to induce certain gentlemen to change their votes?

Answer. I do not, and it is wholly a mystery to me yet; I was in Ohio when I heard that a certain gentleman had changed his vote, and I was as much surprised as anybody else at his sudden change.

Question. When were you appointed postmaster at Columbus, Ohio?

Answer. In March, I think.

Question. Before you returned from here?

Answer. Yes, sir; it was sometime in March, as I think the records of the office will show.

Question. Who was the one removed?

Answer. Mr. Miller; I was appointed in his place in March, I think.

Question. He was restored afterwards, was he not?

Answer. Yes, sir, when I went to Kansas.

By the CHAIRMAN:

Question. Did you know anything about Mr. Bean receiving any money?

Answer. No, sir, I did not, until I was coming on here this time; I met him at the Relay House, and he said he had been subpœnaed to come on to Washington, and he told me what he would testify to; that is the first I knew anything of it.

Question. Was there any talk at any time of money being raised to buy out or start papers in Ohio to sustain the administration?

Answer. There was a strong application made to me to buy out the Ohio Statesman again; during the pendency of the matter I went home and made inquiry to see whether I could buy it or not; but I could not; but that had nothing to do with influencing members of Congress, but to excoriate those we did not think inclined to keep in the ranks.

Question. Was there any proposition to raise means for that purpose?

Answer. No, sir; I said that if I went home and bought the paper I would have to pay cash, and I would want somebody to let me have some money for a year; but I spoke to nobody about it, and made no effort until I saw whether I could buy the paper or not; if I could I said I should want a loan from some one, and should ask it for a year; it is probable that a great deal of the stories going about grew out of this matter, or something of the kind; but it had nothing to do with buying members of Congress, but was meant to excoriate some of them; I did not want to buy them, but I wanted "to put them through," as the saying is; I have heard a great deal of this matter since I came here this time, and have heard persons' names connected with it that I am sure knew nothing about the matter.

Question. Was there not something said about a paper in Cincinnati?

Answer. There was something said about that. I said that if I took any paper I would buy the old one back. I went back and called upon them, and told them to "name their pile," and I would buy the paper back. That was the expression I used, and they told me that it was in other hands, and I could not get it. And that ended the matter, as far as I was concerned.

Question. Did you not understand that if you were to go to the expense of buying the paper back, to sustain the administration, you were to have some assistance?

Answer. Not a dollar; I never asked for nor received anything of the kind. During the thirty years' warfare which I have waged in politics, I never had the gift of a dollar; never received anything but what I earned, and never asked a favor; and I regret that at this day there should be any suspicion of the kind. I defy all the world, dead or alive, to prove anything of the kind. I have been foolish, perhaps, spending my life and my fortune. But I never received any money, and never knew there was such a thing as bribery going on until of late years.

Question. What members did you try to influence?

Answer. I talked with most of our democratic members; told them they were pursuing an improper course. It is not worth while that I should make a speech here, and tell you all I said to them. But I believed it was better for Kansas to have the question settled in that way; and now, since I have been there, I believe so more than I did before. I think it was a great misfortune to Kansas that that was not done; but that is past. There was nothing at all between myself and any member of Congress except argument.

Question. Was not there a complaint made to you, while you were a candidate for postmaster at Columbus, that your member was opposing the policy of the administration, or something of that kind?

Answer. No, sir; there was nothing of that kind. The place was offered to me. I told the President that I could not accept it—that it was an office I did not want. He said that he should remove the postmaster then holding the office, and I agreed with him that if he was President, and had a party, he ought to remove him. I was satisfied, and so I told the President, that his conduct was such that I would not permit an appointee of mine to perform. The President said he wanted me to take the appointment, but I told him I could not. He asked if he sent my name to the Senate, and they confirmed me, whether or not I would then accept the appointment. I told him that if I did it would be more on his account than on my own.

Question. Was it for you or Mr. Miller that Mr. Cox wanted the place?

Answer. When Mr. Miller went back the story was that Mr. Cox had got a pledge that Mr. Miller should go back again. I know nothing about that. I was invited to go back to Kansas, and after some two weeks' consideration I agreed to go. All the offices I have ever got I have got unsolicited. When I got to Kansas I found that things could be harmonized. I found a different population there from what I expected, a population that was disposed to listen to what was said to them, who were disposed for peace. I succeeded in getting

a better condition of things established there, and sooner than I expected. As to Mr. Miller and Mr. Cox, I know nothing about that.

By Mr. WINSLOW:

Question. You replied to a question, I think, with regard to whether you had received a check from Senator Fitch, that you never did receive such a check.

Answer. No, sir; I never did. I never had sight of such a check.

Question. Do you know of any agency of Senator Fitch in aiding the passage of the Lecompton bill?

Answer. None whatever.

Question. Did you ever have any conversation with Senator Fitch touching that matter?

Answer. No, sir; nothing of the kind. I do not know that I ever had a conversation with Senator Fitch at any time. A gentleman mentioned to me that perhaps he would help me to get the money.

By the CHAIRMAN:

Question. What money?

Answer. For the paper. But I do not think that Senator Fitch ever knew anything of it at all. I never had any conversation with him about it.

By Mr. WINSLOW:

Question. Do you know of any corrupt means used to secure the passage of the Lecompton bill?

Answer. No, sir; I fought outside of that, entirely. So far as the English bill was concerned, I was never friendly enough to that bill to pay anybody anything to vote for it.

No. 40.

MONDAY, *April* 30, 1860.

GRAHAM N. FITCH appeared at the request of the committee.

The testimony of Sam. Medary and M. P. Bean, so far as it related to Mr. Fitch, was then read over to him, and he was then told that he was at liberty to make any statement he desired to the committee; that it was not proposed to administer any oath to him, as it was not the custom of the committee to administer any oath to a member of Congress.

Mr. FITCH desired to be sworn, and was accordingly qualified by taking an oath by the uplifted hand.

Mr. FITCH then said:

I need not speak about anything that you may have in view here, of which I, of course, know nothing, except from outside rumor, beyond the testimony which has been read to me. Governor Medary has told you the truth. There never was a word passed between himself and myself upon any subject connected with the Lecompton-English bill, or any other measure before either branch of Congress.

I never said anything except to my own colleagues, members of the House and the Senate, upon that subject, and certainly not with them in relation to any money matter, either to be given to members or outsiders, for a press or for any other purpose, with a view directly or indirectly, in any way, shape, or form, to influence the vote of any member, or the course of any citizen upon this subject. I never had one dollar, more or less, of my own money or the money of anybody else in my possession, or any obligations, for any such purpose, either for the purpose of being contributed, donated, or deposited for the use or benefit of any member of either house, or for any outsider. It may possibly be that the man whose testimony was last read to me may labor under a mistake to this extent; I may have seen him, if it is the gentleman who just left the room, (Mr. Bean,) but I have not the slightest recollection of ever having seen him before. But if he was an officer of the House, as I understand he was, it would be rather strange if I had not met him some time. Some gentleman (who it was I cannot say—my impression is that it was the Mr. Johnson to whom the testimony read to me alludes) asked me if I would interest myself in attempting to raise funds to establish a democratic press in Ohio. I forget the term he gave the particular part of the State it was to be in. What my answer was I cannot say. I know very well what my impression was, and that was, that I had enough such districts in my own State to attend to, if there was any money to be raised; and I gave no further attention to the matter.

This same gentleman, if it was Mr. Johnson, requested me to speak to some friends upon the subject, who, he thought, (from some circumstances within his own knowledge, of which I was entirely ignorant,) might feel some interest in the matter. I do not know but what I promised to do so; but if I did, I have no recollection of ever having fulfilled that promise. But I desire to say, so that no suspicion or impression which might be created by questions here, or answers to those questions, may exist, that I have never, directly or indirectly, been instrumental in any way, shape, or form, in contributing, depositing, or using money, or any obligation for money, for the purpose of establishing a press outside of Indiana, either with a view of defeating or opposing any measure then pending or which had been pending before Congress, or influencing anybody's vote for or against, in or out of Congress. Any statement of the kind is wholly untrue; there can be no shadow or foundation in fact for it. I can well perceive that this gentleman's testimony may create some such impression without his so intending it.

By the CHAIRMAN:

Question. Have you any recollection of any person calling at your room with Mr. Johnson, as would appear from the testimony here?

Answer. I have no recollection whatever of it. I do not remember that I ever saw this gentleman before. I heard one of you gentlemen call him by name, and I scrutinized his features closely to see if I could recollect him; but I have no recollection of the interview of which he speaks. I may have seen him, for I recollect distinctly that some one asked me if I would assist in raising funds to establish

press in the western part of Ohio. My impression is, that it was Mr. Johnson; but I attached no importance to it then or since. I recollect of no papers of any description ever having been left with me, in connexion with that or any other subject. If they were so left with me, they were papers the contents of which I was entirely ignorant. I never had anything to do with money, or any obligation for money, or anything to do with Ohio politics, or any question pending before Congress. As for the English bill, I had not feeling enough about the matter to care five cents whether it passed or not. I did not then think there was anything in it, and I do not now. I voted for it out of deference to my colleagues.

THURSDAY, *May* 3, 1860.

CORNELIUS WENDELL recalled.

By the CHAIRMAN:

Question. Had you not very frequent interviews with Mr. Buchanan during the pending of the Lecompton-English bill?

Answer. I had several interviews with him during that time; yes, sir.

Question. What was the character of the conversations at those interviews?

Answer. Those were on the subject of carrying the Lecompton bill, the number of votes it would probably get, &c.

Question. Were you not the medium through whom his desires were made known to others to some extent?

Answer. No, sir; I cannot say that I was. (Mr. WINSLOW here entered the committee room.) His views were well known; he desired to carry the bill.

Question. Was it in accordance with his desires that you took a deep interest in carrying the bill?

Answer. Well, I cannot say that it was. I was in as a partisan; looked upon it as a party measure, and went for it with all my power.

Question. Have you any knowledge how much money you disbursed on that occasion to carry that measure?

Answer. I would respectfully submit whether that is a proper question. If I had disbursed money to any members of Congress, I presume the question would be a proper one. But if I saw fit to employ gentlemen outside to aid in carrying it, I would respectfully suggest whether it is proper for the committee to inquire into my money affairs.

Question. I will put the question in another way. Was it not your habit to operate upon members of Congress through third parties?

Answer. I have done so, or tried to do so.

Question. Did you not try to do so on that occasion?

Answer. I did.

Question. Can you state to what amount; or will it be necessary to have the books from the bank to refresh your memory?

Answer. I could not state what amount of money I expended in and about the Lecompton question without making some references.

Question. Do you mean references to the bank books, or references to your own account books?

Answer. To the bank books; I do not think my own books would show it; I was rather careless about my money matters then.

Question. Would you know, when you saw the bank books and the checks, which checks were for business purposes and which for political purposes?

Answer. Yes, sir; I think I could distinguish between the business and the political—I think I could.

Question. Did you not, in paying money to outsiders, pay it for a specific purpose, or for the votes or support of particular persons?

Answer. I may have paid outsiders to aid in procuring votes for particular measures.

Question. For that particular measure—the Lecompton bill I am speaking of?

Answer. Yes, sir; I paid some money to outsiders to aid in carrying the Lecompton bill.

Question. Do you recollect whether, in drawing checks for that purpose, you put in the names of the parties themselves, or did you put in fictitious names?

Answer. I have probably done it both ways; drawn them directly to the parties sometimes; sometimes "for political purposes;" "pay to politics $1,000;" "pay to Kansas;" "pay to bearer;" I have done it in different ways. Sometimes a man would want a check drawn one way and sometimes another.

By Mr. ROBINSON:

Question. Where did this money come from. Was it your own money, or was it furnished by somebody else?

Answer. It could be considered my own money. Sometimes I had money lying in bank to my own credit; sometimes I borrowed the money of a friend.

Question. Was all the money you spent in procuring the passage of this Lecompton bill your own money, or was some of it furnished you by others to be spent in this way?

Answer. There never was a dollar furnished by any living man.

Question. It was all your own money?

Answer. It was all my own. I would give my notes and obtain the money on them.

Question. Do you recollect from whom you borrowed?

Answer. Well, from any man who would lend me. I was always willing to borrow; from no particular party; from Riggs & Co., from the different banks, and from individuals in town here, until I ran the town dry, and then I would go north and borrow. I borrowed largely in Philadelphia and New York. I borrowed from members of Congress, from the officers of the House; any friend who was a

moneyed man, and had money to lend, I would borrow from, if I could.

Question. Has any person ever helped you to pay any of these borrowed moneys?

Answer. No, sir. I wish they would.

By Mr. WINSLOW:

Question. What Mr. Robinson wants to know is whether it was government money furnished you by government officers to corruptly carry that bill, or was it your own funds?

Answer. There was never a dollar furnished me by any government officer for that or any other purpose.

Question. Neither directly nor indirectly?

Answer. No, sir.

By the CHAIRMAN:

Question. Did not a considerable portion of that money come out of patronage that you were receiving from the government?

Answer. Well, I had been receiving a large amount of money from the government for work.

Question. Did it not come out of patronage received from the government?

Answer. I made my money in that way—from public work.

Question. Were you not induced to believe that by using money freely in that way you would have patronage to reimburse you?

Mr. WINSLOW (to the Chairman.) Induced by whom?

The CHAIRMAN. By officers of the government.

The WITNESS. No, sir; I never was. I was enjoying at the time all the patronage of the government in my business, I think, or nearly all. There was no pledge or promise that there should be any more given to me, for I had it all then.

By Mr. ROBINSON:

Question. Was there any promise that it should be continued to you?

Answer. No, sir; I cannot say that there was.

By the CHAIRMAN:

Question. Was not that your expectation in paying these large amounts?

Mr. WINSLOW. I do not think that is a proper question.

Mr. ROBINSON. I do not think we have anything to do with Mr. Wendell's expectations.

By the CHAIRMAN:

Question. Can you, by looking at the bank books, ascertain how much money you spent in the passage of that bill, and to whom you paid it?

Answer. I probably could. I might not give every particular item.

Mr. ROBINSON. We better let Mr. Wendell go to the bank and examine the books.

The CHAIRMAN. We can have the bank-books brought here.

Question (to witness.) Did you not, on the 8th of April, 1858, give Mr. Bean a check for $5,000?

Answer. I remember giving him a check for $5,000 or $5,000 in money, but the date I have forgotten.

Question. Was that money for himself or for another? What purpose had you in view in giving him that $5,000?

Answer. I was informed that by enlisting Bean he could be of great service in the passage of the bill. Who informed me I have forgotten; but it must have been some one in whose opinion I had entire confidence, or I should not have broached the subject to him. I did broach it, and, if my memory serves me, he did agree to use all his influence for a consideration, which consideration I paid him.

Question. Did you not propose to give him $20,000 to accomplish certain objects?

Answer. I do not think I did. I do not remember of doing so. I remember giving him $5,000, but the conversation I held with him I cannot call to mind. I was engaged day and night in that business at that time, and took a very active part in it.

Question. Was not the money that you gave to Mr. Bean, or proposed to give him, for a specific purpose—that is, to get the votes of certain individuals for Lecompton?

Answer. I think I understood that Bean had some influence with the Ohio members, some of whom were supposed to be a little doubtful on the subject. If I recollect aright, he was the owner of a paper, or had control of some papers in Ohio in districts of which the representatives were considered doubtful, and it was thought that he might influence them, from his position as editor of a paper, and therefore it was deemed essential to secure his services; but who gave me that hint I do not remember. I may have talked largely about money with him; my acquaintance with him was very slight, however.

By Mr. ROBINSON:

Question. Did he represent to you that he had influence with any member?

Answer. I cannot remember that he did. The details of the conversation have escaped my memory entirely. The main purpose was that he should use all his influence with the Ohio members, and that I should pay him for his services.

By the CHAIRMAN:

Question. Did Mr. Bean not tell you distinctly that that money was to go to certain members?

Answer. I do not remember that he did.

Question. In giving him that $5,000 did you expect that he was to keep it, or to pay it, or a portion of it, over to other parties?

Answer. Well, I might have had an idea that he was to divide it around; but I would simply suggest, with all deference, that my thoughts and ideas would not be evidence.

Question. Did you not on that occasion specify a certain individual whose vote was to be had for that $5,000?

Answer. I might have done so, but it does not occur to my mind now.

Question. Did you not specify certain votes that were to be paid for by this $20,000?

Answer. I cannot remember that I did.

Question. Were there any other parties from Ohio besides Mr. Bean—go-betweens—to secure the votes of certain Ohio members?

Answer. Well, I cannot say that there was. I was in conversation daily and hourly, as I have before observed, with members and with outsiders on the subject. There were several members from Ohio whose votes were considered doubtful, and it was desirable to have them think as the party did, if possible.

Question. Who was your agent for that purpose with the Pennsylvania delegation?

Answer. I cannot say that I had any particular one for the Pennsylvania members.

Question. Had you more than one?

Answer. I was in conversation with dozens of gentlemen, making and receiving suggestions as to the proper mode of accomplishing it. I do not know as I could swear that I had any agent in the matter at all.

Question. Were there more than one that were used with the Pennsylvania delegation in connexion with money matters?

Answer. I do not know that I used any money with reference to any Pennsylvania member particularly; it does not occur to my mind now.

Question. Did you not attend to one member yourself, directly and personally?

Answer. I attended to several members—that is, I would talk with them about it.

Question. In a money way?

Answer. No, sir; I never attempt to use money with a member of Congress. I borrow of them, or lend to them, if I have any; but so far as regards influencing their votes, never in my life have I approached a member of Congress in any way.

Question. Did you not spend this money in consideration of receiving large patronage from the government?

Answer. As to the motives that influenced me, they might have been diverse.

By Mr. ROBINSON:

Question. Would you have had the right to retain this patronage without spending this money?

Answer. I suppose so; there was nothing of that kind promised. I might have thought that I would be well treated. I had my own ideas.

By the CHAIRMAN:

Question. Were you not induced to believe, in interviews with the President during the pendency of the Lecompton measure, that you would be remunerated, taken care of in some way, for your services?

Answer. No, sir; not from any assertion of his.

Question. From the tenor of the conversations?

Answer. I had the idea that if I stood by the party, and aided it all I could, he would stand by me.

By Mr. WINSLOW:

Question. Was there any understanding, directly or indirectly, secret or otherwise, between you and the administration, that you should be rewarded in any way, shape, or form, for what you were doing for the Lecompton bill?

Answer. No, sir.

Question. I understand that your only expectation was what every partisan expects for fidelity to his party?

Answer. That was all. I was an active and enthusiastic man, and went further, perhaps, than I ought. I will state here that this was not in reference to the Lecompton bill proper; that was defeated.

By the CHAIRMAN:

Question. It was in reference to the English bill?

Answer. Yes, sir.

The CHAIRMAN here stated that he desired to have some conversation with the witness, not to be taken down by the reporter.

After some minutes thus spent in conversation,

Mr. WINSLOW said: Is this being taken down by the reporter?

The CHAIRMAN: No, sir; I directed the reporter not to take it down, as I wished merely to ask the witness for some information not to be regarded as evidence.

Mr. WINSLOW. I must repeat my objection to any conversation with the witness in the committee room which is not put upon record. I will question the witness myself, so that it may appear upon the record.

Question (to witness.) Did you have a conversation with Mr. Covode just now, touching some contract for $70,000 for passing the Lecompton bill?

Answer. Yes, sir.

Question. What was the tenor of that conversation?

Answer. I understood Mr. Covode to ask me if I knew anything of a contract of that kind, and I told him that Mr. Pugh had spoken to me about it, but I never knew of the existence of such a contract until he told me.

Question. Were you a party to any such contract with Mr. Pugh, in any way, shape, or form?

Answer. No, sir.

By Mr. TRAIN:

Question. What Mr. Pugh is that?

Answer. He is a claim agent, I believe, residing here in Washington.

By Mr. WINSLOW:

Question. Is he here now?

Answer. Yes, sir; I saw him yesterday.

Question. I understand you to swear that you never had anything to do with Pugh in connexion with passing the Lecompton bill?

Answer. No, sir.

Question. That you were no party to any contract for $70,000, or anything else?

Answer. No, sir.

By Mr ROBINSON:

Question. Did Pugh claim that you were a party to that contract?

Answer. Pugh assumed, in conversation with me, that I was the fiscal agent of the government in passing the English bill, which I denied, of course; he insisted that he must have the money for aiding in the passage of the bill, and, as I understood, wrote threatening letters to parties connected with the government on the subject.

Question. Did he claim that there was a contract, or that he had labored and wanted to be paid according to the amount of his labor? What was his claim?

Answer. The claim was that he had labored for the cause, and ought to be paid by some one who had promised him a large amount of money, but who it was I never could get at.

Question. Did he ever say who had promised it?

Answer. I do not think he ever did to me.

Question. The nature of his claim was, then, that he had been promised a large amount of money, and that you were the agent of the government, and he made the claim upon you?

Answer. That was the nature of his claim; I repudiated it entirely; I never had any agreement with him or held any conversation with him upon the subject, until he came to me and tendered his services, but I told him that I did not think that he could aid me any; where he got that idea into his head I do not know; he did not post me on that.

Mr. OLIN here examined the witness in relation to a list of sundry amounts taken from Mr. Wendell's account with the Bank of the Metropolis this year.

Question. Do you recollect giving, about the 25th of April, 1858, a draft to Mr. Witte for $3,000?

Answer. I do not recollect, but it is very probable that I did, for my money transactions with him were pretty heavy.

Question. What was the nature of your money transactions with him?

Answer. Borrowing and lending.

Question. Simply borrowing and lending?

Answer. Yes, sir, and the money transactions I had pending elections in the falls of 1856 and 1858, as I testified before, I may have contributed through him.

Question. This was in the spring of 1858. Can you tell what was Witte's business here at that time?

Answer. Really, he could answer that better than I can.

Question. State so far as you know.

Answer. I think that he had some business, in connexion with some friend of his, with the Navy Department, relative to building some engines for sloops-of-war; I think that was his business here.

Question. And you say this was a loan to him?

Answer. It might have been a loan; I loaned him a great deal of money at different times, I know.

By the CHAIRMAN:

Question. Was it not at that time, in connexion with the passage of the English bill?

Answer. I do not think it was.

By Mr. OLIN:

Question. Had you any negotiations or conversations with him in respect to that matter?

Answer. The passage of that bill?

Question. Yes, sir.

Answer. O, yes, sir; fully and freely.

Question. Was he active in trying to procure its passage?

Answer. Well, he appeared to take a warm interest in it. It was frequently a subject of conversation with us. I think I saw him daily while he was here.

Question. Do you know what occasion he had for the use of this $3,000 which you say you loaned him?

Answer. I expect it was to pay some note that was maturing at that time. We have been very intimate in every way, personally, pecuniarily, and politically. If I had a dollar he could have it, and the reverse.

Question. You drew some checks on the bank payable to numbers. For instance, on March 26, 1858, you drew a check to No. 450. Do you recollect what that was?

Answer. I do not, indeed.

Question. Why were they marked in that manner?

Answer. Well, sometimes in drawing checks I would put down figures, or a letter or two, as a designation, perhaps, by which to remember them afterwards.

Question. There is a check drawn payable to "C. W. C." To whom is that payable?

Answer. I presume it was Charley W. Carrigan; I had some large money transactions with him.

By the CHAIRMAN:

Question. Do you know of Mr. Witte at that time getting a large margin of profits upon the contracts for building steam engines for the war sloops?

Answer. I do not.

Question. Was Mr. Witte the principal man from Pennsylvania, connected with the passage of that Lecompton bill?

Answer. I cannot say that he was. He might have used his influence with the Pennsylvania members, or he might not. I do not remember of ever hearing him converse with any members from that State upon that subject.

By Mr. OLIN:

Question. Would your check-book show what these checks were for, which were designated, for instance, by such numbers as No. 233, No.

237, No. 238? Here are three or four drawn in succession: on the 25th of March, 1858, one, No. 233, for $500; No. 237, $1,000; No. 239, $2,000; and on March 27, No. 243, $10,000. Do you know for what purpose these checks were drawn?

Answer. I could not tell now.

By the CHAIRMAN:

Question. Would your own books show to whom these numbers referred?

Answer. They might give me some clue.

By Mr. OLIN:

Question. Did you attend personally to this business, drawing these checks?

Answer. They might have been in my own handwriting, and they might not. My book-keeper generally drew them. I know I lodged a power of attorney, some time ago, with the bank, authorizing him to draw checks in my name, "C. Wendell, per John Larcombe."

Question. On April 8, 1858, there was a check drawn for $5,000, payable to "Kansas." That you say went to Bean?

Answer. I do not know the date upon which I gave him that check.

Question. Here is a check payable to Glossbrenner for $5,000?

Answer. Yes, sir.

Question. What was that for?

Answer. Probably for borrowed money; I was in the habit of borrowing a great deal from him.

Question. Here is a check to "Hughes" for $750, on the 15th of April, 1858. What Hughes is that?

Answer. That is more than I can tell, upon my word. It might have been Mr. Hughes, editor of the "Union;" I should say so, if in looking at Mr. Hughes's accounts I should find him charged with that sum at that time.

Question. Mr. Rice for $500, on the 16th of April. Who was he?

Answer. That might have been some of the post office plunder for Rice of the "Pennsylvanian."

Question. On the 28th of April you drew a check payable to Crowell for $5,000. What was that?

Answer. Borrowed money, I presume, of Joseph T. Crowell, of New Jersey. I was in the habit of borrowing money from him very largely. I do not remember any transactions with him but that.

Question. There was a check to Mowry, on the same day, for $500. Who was he?

Answer. Our delegate from Arizona, I reckon. I was dabbling in silver mines, I think, at that time.

Question. On the first of May you drew a check payable to Phillips for $1,000. Who was he?

Answer. Hon. H. M. Phillips, of Philadelphia.

Question. What was that for?

Answer. Money loaned to me.

Question. He had loaned you money and this was a check to repay the loan?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know how much money you borrowed from him altogether?

Answer. I borrowed a great many thousand dollars; I have the honor of owing him about $10,000 now. I think if you will look at the first of every month you will find checks for about $1,000 each month. I owed him some $12,000 or $15,000, and he proposed to me to pay him $1,000 on the first of every month.

By Mr. OLIN:

Question. Who was Megargee?

Answer. The paper manufacturer; I have dealt with him for many years.

Question. Here is a check for $300 for Bigler. What was that?

Answer. It might have been Senator Bigler, I do not recollect. It might have been a contribution for the party up in his benighted section. What date is it?

Question. May 7. Here is a check on the 25th of May for $5,088 80, for S. M. & K. Who was that?

Answer. I do not call to mind, really.

Question. Here is a check to Hall for $600.

Answer. That might have been to Mr. Hall for printing paper; I dealt largely with him in printing paper. I think I bought my supplies for the "Union" for some time of him and Megargee.

Question. Here are two checks to McLean, one on the 9th of June, for $1,000, and one on the 10th of June, for $2,000.

Answer. That was this Steadman affair, I think; he was interested with Steadman. It must have been that.

Question. Here again, on the 15th of June, are two other checks payable to numbers—No. 397, $1,000; No. 398, $600. What were they for?

Answer. Really I cannot call to mind. They might have been the numbers of the checks, and the checks made payable to the numbers. Sometimes when I did not want it to go on the book who got the money, I had the checks drawn in that way.

Question. Was it the design in drawing the checks in this way, or omitting to make them payable to some person or their order, that it should not be known to whom the money was paid?

Answer. It might have been, in some cases. Probably I used money that I did not want anybody to know about; most likely wanted to forget it myself.

Question. What was your reason for that?

Answer. Well; I do not know of any. I would say to my bookkeeper—draw a check to John Jones, or to Peter Smith, or to somebody's order, just as the case may be. I might be using money that I would be willing to forget myself five minutes afterwards.

Question. On the 27th of March, 1858, you drew a check, No. 243, for $20,000. You certainly can tell what you drew a check of that amount for.

Answer. I forget, really. It might have been for some property that I purchased at that time, for I bought some property here. But I think that check was for Mr. Maguire, borrowed money.

Question. Why did you not make it payable to Mr. Maguire, then?

Answer. I do not know. It might have been for this property. Are there no initials about it, nothing except the number of the check?

Question. No, sir; nothing.

Answer. Well, I was always very careless about my money affairs. I have heard that I was so in my boyhood, and I know I am so now.

Question. It seems to me that this is altogether too careless.

Answer. This check may have been for some property. But if it was in March, 1858, I think it must have been to Maguire for borrowed money. I have a recollection of paying him $20,000 at one time.

Question. On the 25th of March you drew out with the same description of checks as this one of $20,000, at one time $500, another for $1,000, and another for $2,000, making, on that day, $3,500; and on the 27th you drew a check for $20,000, neither of these checks designating the purpose or the direction to which the money was destined.

Answer. I think that, by taking the memorandum you have and comparing it with my books at home, I could explain what these checks were drawn for—I will not say every one of them, for I know that sometimes checks would be drawn and I would get the money and put in my pocket, and then the devil himself could not tell what became of it.

Question. Do you recollect of using only $5,000 for the Lecompton controversy?

Answer. I used more than that.

Question. About what amount did you use?

Answer. I cannot tell.

Question. Tell as nearly as you can—for you must have some general recollection upon the subject—about what amount of money you used with a view to aid in the passage or defeat of any measures pending before Congress that spring of 1858.

Answer. I could not tell; I would not like to set the amount.

Question. Tell as near as you can.

Answer. I probably used, in furtherance of my schemes, from $30,000 to $40,000, but how much of it was applicable to that particular measure I could not say.

Question. There are two checks here, one for $20,000 and the other for $20,000 and some odd dollars, besides various other checks.

Answer. I do not think the $20,000 check was used for any such purpose; I have no recollection of using as large an amount at any one time as $20,000 for any purpose; I have been engaged in pretty many operations for the last three or four years, and used a great deal of money.

Question. Did all the money thus used pass through the channel of the bank?

Answer. I do not think it did.

Question. Did you not constantly keep upon deposit there all the money you had under you control?

Answer. No, sir; I frequently had a great deal of money about my person. I have had $8,000 or $10,000 in my tobacco box at one time. If I had any money about me, it was almost certain to be in my tobacco box.

Question. So that all the money used on that occasion did not go through the bank?

Answer. I do not think it did. As to what these checks were for, I might, by reference to my own books of these dates, be able to distinguish what the most of them were for.

Question. There are some checks to Carter; one on the 16th of March, for $2,600, and one on the 21st of May for $2,200?

By the CHAIRMAN:

Question. Was Carter a loaner of money?

Answer. Yes, sir; I borrowed of him frequently.

By Mr. OLIN:

Question. Were these checks to pay borrowed money?

Answer. Yes, sir; I presume they were.

Question. Had you any other transactions with Carter?

Answer. As the pay clerk of the Clerk's office of the House of Representatives, he paid me for bills that I had.

Question. Do you recollect whether this first check, for $2,600, was to pay a loan?

Answer. I do not; I know he loaned me money. He and Glossbrenner both loaned me money—I do not recollect in how many instances—and took my notes. Carter and he, being the moneyed men of the House, would, between them, arrange it for me. Sometimes I would want a little more time than the note called for, and I would pay part of it and get an extension.

Question. Here is a check of May 26, 1858, payable to "B," for $1,594 30. Do you know what that transaction was?

Answer. I cannot call to mind now; my transactions as to money, as you see, were pretty large, and really my memory is not very retentive as to details.

Question. No! Here is a check, on the 12th of March, for $2,500, payable to S. N. or S. U. What is that?

Answer. I cannot call to mind what that would be.

By the CHAIRMAN:

Question. Do you recollect drawing any check to "Save the Union?"

Answer. Perhaps it might have been. I do not remember it, though, upon my word. But I would draw a check for all I had in the world for that. I do not call to mind a check for S. U.

[The witness desired to have the memorandum used by Mr. Olin in his examination, in order that he might compare it with his books, before he was again examined. The memorandum was given to him.]

No. 45.

FRIDAY, *May* 4, 1860.

MATTHEW JOHNSON called and sworn.

The CHAIRMAN made the following statement to the committee:

Mr. Johnson has understood that his name was made use of by Mr. Bean in his testimony, and he came to my room last night and requested that he should be examined while he was here.

Question (to witness.) Do you recollect having any conversation with Senator Fitch, relative to raising money for establishing papers in Ohio to sustain the administration?

Answer. I had conversations with Senator Fitch in regard to raising some money to establish some papers to advocate the policy of the administration on the Lecompton question.

Question. Please state all that occurred.

Answer. I will state the whole matter, as I prefer to do. I had more than one conversation with Mr. Bean, who was a clerk in the House of Representatives, in regard to procuring the control of one or more papers in Ohio to change their tone on the subject of Lecompton. He agreed that if I would raise $5,000 he would resign his clerkship in the House and go home and purchase a Frémont paper, and said that he could control two others if he did so.

By Mr. TRAIN:

Question. You mean a paper published in the town of Frémont?

Answer. Yes, sir. He said he could control two others, one at Bucyrus and one at some other place; the other place I cannot now mention. I told him that I would endeavor to raise the money; I talked to one or two persons, but I do not now have any recollection of any one but Dr. Fitch, as to whether it was possible to raise that $5,000 from any source. Dr. Fitch gave me but little encouragement at the time; he said that they had in their own State as much as they could do, but he would see what he could do. Afterwards I went to Dr. Fitch's; I cannot recollect of Mr. Bean going with me, but yet he states circumstances in his testimony [that part relating to Mr. Johnson had been read to him] that I recollect seeing myself, but I cannot recollect of his being there.

By the CHAIRMAN:

Question. You recollect the circumstances he mentions, but do not recollect of Mr. Bean going with you?

Answer. I recollect going myself to see Dr. Fitch and finding him about to leave the city, and Mr. Bean states the same thing, but I have no recollection of Mr. Bean being with me. Dr. Fitch said that he thought that if we would go on and make the arrangements the money would be raised or could be raised. My impression at the time was that it was a mere getting clear of us, simply to get clear of an annoyance of being troubled about it, although he certainly held out the idea that the money would be raised or could be raised. That was all that occurred until after the passage of the English bill. The

morning of the passage of the English bill the Ohio delegation telegraphed home that they were a unit in voting for that bill, and I know that that obviated the necessity of turning any of the papers, I knew that would settle the matter about the press in that State ; therefore that was the end of the whole thing. I left the city a day or two after the English bill passed, and I know nothing further about it.

No. 48.

MONDAY, *May* 7, 1860.

S. M. JOHNSON called and sworn.

By the CHAIRMAN :

Question. Where do you reside?

Answer. I reside in New York city.

Question. Were you not engaged at one time in editing the "Union," as it was then called?

Answer. Yes, sir.

Question. At what time did you leave it?

Answer. I left there on the 1st of April, 1859. I was engaged in the Union from about the first of January, 1857, I think.

Question. Will you please state to the committee what conversation Mr. Buchanan had with you, if any, relative to the constitution that was sent to Kansas ; who prepared it, and who took it out ; any conversation that he had with you on that subject?

Answer. I never had any conversation with Mr. Buchanan with regard to that constitution. What year was that?

Mr. WINSLOW. In 1857, I think.

The WITNESS. It must have been in 1858 that I went into the Union. I was not editor of the Union in 1857. I went to Kansas in the spring after Governor Walker went. I went out there at the suggestion of Mr. Buchanan. I think I was coupled in the programme to go to Kansas as secretary, and afterwards the President asked me to assist him in getting Walker to accept the appointment. I urged Walker to accept that appointment. It was named by the President to me that I should go out with him a little time as secretary, as it was supposed that it would take but a few months to settle affairs there. However I refused to go, and there was not much said about it. I know I was here, and the President urged me to assist him in obtaining Mrs. Walker's consent to Mr. Walker going out in May. I think Mr. Walker's letter of acceptance is in my handwriting. There was a point raised as to committing the administration to the principles embodied in that letter.

Mr. WINSLOW. It is understood, I suppose, that I object to this whole matter as not embraced in the resolutions under which we are acting?

The WITNESS. I know nothing of any constitution sent to Kansas by Mr. Buchanan.

By Mr. WINSLOW:

Question. Were you there when the constitution was said to have been taken out?

Answer. No, sir, I was not. I returned here from Kansas about the 10th of July. I was in Kansas but a short time. I met Mr. Walker there, and in a short time I returned here. And then, from time to time, I saw the President, until I went into the "Union" in the January following. I think that Lecompton constitution was originated in 1857, and I went into the "Union" in 1858. I never heard the President speak of any constitution being sent out to Kansas at all.

By the CHAIRMAN:

Question. Did you hear anything about it from other quarters?

Mr. WINSLOW. I object to that.

By the CHAIRMAN:

Question. Do you know who took that constitution out?

Answer. No, sir; I have only my suppositions. From circumstances I have an impression about it, that is all. I could not state anything positive about it.

Question. Do you know who prepared it?

Answer. I do not know that.

By Mr. OLIN:

Question. Did you learn from any source that it was taken out there from this city?

Answer. I suppose I did.

Mr. WINSLOW. I object to any hearsay testimony.

Mr. OLIN. If I can find out from whom this witness heard it, then I can see that person, and examine him.

The WITNESS. I had my impression with regard to it, but the facts upon which that impression was based I do not know.

By Mr. OLIN:

Question. What information have you upon that subject that led you to the conclusion, or gave you the impression or belief, that that constitution was drawn up in this city by or under the supervision of either of the heads of department here and sent to Kansas.

Answer. When you ask me to testify as to any evidence I possess that that constitution was drawn up by any of the heads of the departments, I can only say that I have none to give. I can only say that I know no reason or fact upon which I could base any conclusion. I had my own private impression from some little things that occurred that the project originated here, that is all.

Mr. WINSLOW. I do not think the impressions of the witness should be received as testimony.

The CHAIRMAN. The witness has said that he did not know that any of the heads of the departments had done it.

The WITNESS. I do not know anything at all about the preparing of that project.

The witness here made some statements to the committee which he

said he did not wish to be regarded as testimony. After having conversed some time with the committte—

Mr. WINSLOW interrupted the witness and said: I submit whether we ought to talk with the witness unless the conversation is put down.

Mr. OLIN. Certainly; I will talk with the witness every chance I can get, and if I find an honest man by talking to him I may find out something to be put down.

The WITNESS. I am not at all anxious to talk.

Mr. WINSLOW. If this is to be persisted in I want my objection to it entered upon the minutes. I do not know what you are about; I am all in the dark as to the object you have in view.

Mr. OLIN. I supposed that the witness might know something about the management of this matter.

Mr. WINSLOW. Why not put the question to him directly, then?

Mr. OLIN. Mr. Covode has just put the question to him, and he says he knows nothing about it.

The WITNESS. I have no knowledge about the matter, but I have my ideas about it.

Mr. WINSLOW. I object to any statements being made by the witness that are not placed upon the record.

Mr. TRAIN. I differ with Governor Winslow entirely as to the propriety of talking with the witness. I think it is my duty to talk with the witness before I examine him, to find out what he knows that is competent and what is not competent, and if he does not know of any facts himself he may be able to give information by means of which we shall be able to obtain proof of the facts we desire to find out. I think it is right to talk with the witnesses, as well here as anywhere else.

Mr. WINSLOW. I think that when the committee is in session, and the witness is under oath, everything the witness says should be taken down if it is proper testimony.

Mr. OLIN. Suppose it is not proper testimony?

Mr. WINSLOW. I object to starting out with anything from the witness that is not proper testimony.

Mr. OLIN. Then you object to the witness stating anything that is not testimony.

Mr. WINSLOW. I think it is not right to have the witness talk with the committee while it is in session, unless what he says is testimony.

By the CHAIRMAN:

Question (to witness.) Have you not had some conversation with Secretary Stanton upon this subject?

Answer. Yes, sir.

Question. Relative to that programme?

Answer. Yes, sir.

Question. Did you not state to him some knowledge you had of the getting up of that programme?

Answer. I stated my impressions; I did not state my knowledge.

Question. Did you not state to him how you got those impressions?

Answer. Yes, sir.

Question. Can you state to this committee how you got those impressions?

Answer. I could; but I suppose that would not be testimony.

Mr. OLIN. We can hear your answer, and if it is not testimony then we can decline to take it down.

The WITNESS. I do not myself think it is testimony; but I have no objection that I know of to stating it.

Mr. WINSLOW. I object to the witness stating anything that is not testimony.

Mr. OLIN. I think the question is a pertinent question.

The WITNESS. I was strongly inclined to believe ——

Mr. WINSLOW. I object to your belief.

The WITNESS. If I am not permitted to make an explanation I cannot testify at all. I came to my own conclusions, as you all do in reference to anything.

Mr. TRAIN. Let the witness make his statement, and let Governor Winslow's protest go upon the record.

The CHAIRMAN. It appears that the witness has some evidence satisfactory to himself to induce him to believe what he has communicated to others.

Mr. WINSLOW. He says distinctly that he has no evidence at all.

Mr. OLIN. He does not say that.

Mr. WINSLOW. He says that he has only an impression.

Mr. OLIN. He says that there were some circumstances which induced him to come to certain conclusions. The committee are inclined to have the witness state what those circumstances were.

Mr. WINSLOW. I do not object to any fact that has any bearing upon the question. But I say you have no right to ask the witness what his belief or impression is. The witness must state facts.

By the CHAIRMAN:

Question (to witness.) What were the circumstances that brought your mind to this conclusion?

Mr. OLIN. Perhaps the better way would be to ask the witness if he had formed the opinion that this instrument was prepared here in this city, and if so, what fact or circumstance within his knowledge induced that opinion.

By the CHAIRMAN:

Question. Very well; just answer the question in that form, then.

Answer. Well, I can answer that only by referring to circumstances to which I first alluded—to the appointment of Governor Walker; to the pledges that the President gave to me in his behalf, that he would support and carry out certain principles—for instance, that the constitution should be submitted to a vote of the people of Kansas; that Mr. Walker, in the administration of the affairs of the territory, should be entirely unrestricted and unencumbered by any further instructions from the government; the President agreeing to carry out the utmost doctrines of what is called popular sovereignty; and that Mr. Walker should represent that principle in the administration, &c. Mr. Walker then went out to Kansas; I went out subsequently. In the June elections there it was argued very strongly that the constitution to be framed should be submitted to the people; and it

was asserted that the authority of the whole administration would support Governor Walker in that course. He had secured the indorsement of the democratic convention of the territory, the proceedings of which I myself bore to the President, arriving here about the 10th of July, a day or two before the letter of the President to Governor Walker was written. Everything seemed to be going off successfully. I urged Mr. Buchanan to write that letter. I told him that I thought it was right he should do so, indorsing Mr. Walker's course, giving him encouragement, and tending to carry out his views fully. I told him the circumstances of what Walker was trying to do there, in order to get the people to vote fairly, honestly, and faithfully, he guaranteeing to all parties and all interests equal rights in the political affairs of the Territory. Having made these statements as preliminary, I will now go on and say that I became distrustful of the parties who got up what they called the counter project of submitting the slavery clause of the constitution alone, and I very freely denounced it. I was very anxious about Mr. Walker's success, because I thought that he had made some sacrifice in going out there, and I knew that he was perfectly honest in his endeavors to administer the affairs of the Territory. I talked with the President, after this new light had broken upon us—that was before any distinct project was known here in Washington—and found him to insist that all that he ever meant in reference to popular sovereignty was submitting the slavery question to the people. I thought that very strange, and watched the matter very closely. Subsequently the project came up of submitting that clause in the peculiar manner in which it was submitted, and I found the President very decidedly to indorse it, though I thought his doing so condemned the whole course of Mr. Walker. I was anxious to know who originated this plan and why it was originated. I took public rumor to start with, that it was a project that originated in this city; that one of the secretaries was engaged in it. But I knew nothing at all about that. I heard that Mr. Martin from the Interior Department had been sent to Kansas; I think he is a clerk in the Department of the Interior. That he was in Kansas I am certain from information from gentlemen there, and from Mr. Walker himself. Mr. Walker distrusted him; all parties pretty much distrusted him. I am merely stating what I suppose to be the facts of the matter. Mr. Martin was connected with the Interior Department, but what branch of it I do not know. He subsequently called on me to get me to assist him to get his accounts settled with the State Department. He stated to me that he went out there on some political business connected with the State Department, although his nominal business, I think he told me, was connected with the Interior Department. I felt a little anxious to get a little insight into the matter if I could, and encouraged Mr. Martin with the idea that I would help him at the State Department, and wanted to know from him all the facts I could. He told me that a part of his mission was from the State Department and political in its nature, and he thought he should be paid. I told him that I would see General Cass and talk with him, but that in the meantime I wanted him to bring me all his letters from the State Department, so that

when I went up with his account I could have the authority of that department which was given to him. I think he said he was sent out by the Interior, and bore no papers from the State Department. Well, after one or two or three conversations, in which he stated that he had done this political business for the State Department, and I think he said he was continued in his clerkship, but had gone to extraordinary expenses which the State Department refused to pay him—I dismissed him by saying that I saw no reason why the State Department should pay him, as he had no credentials from that department. That is one of the reasons that led me to suppose that Mr. Martin, who by public rumor was connected with political movements in the Territory, was the bearer of some project connected with the convention at Lecompton. And I heard things here generally that got into that shape that led me to conclude that it was so.

By Mr. OLIN:

Question. Did Mr. Martin tell you what was the precise nature of his business?

Answer. No, sir; I could not get the precise nature of it from him.

By Mr. WINSLOW:

Question. Were you out there when the constitution was submitted?

Answer. No, sir; I went out in June and came back on the 10th or 11th of July, after looking around there and seeing what I could see.

Question. Were you there when the Lecompton convention was in session?

Answer. No, sir, I was not.

Question. How long before it sat did you leave?

Answer. I must have arrived here on Sunday or Monday, the 10th or 11th of July, and have left the Territory four or five days before that time; there was a democratic convention in the Territory, but that was a party convention; I was not there when the convention sat.

Question. You saw Mr. Martin there, did you?

Answer. No, sir; he went out there subsequently to that time.

Question. And what Martin did there you do not know?

Answer. No, sir, I do not.

By Mr. ROBINSON:

Question. Did you have a conversation with the President in relation to the manner of the submission of the constitution, in which he told you or explained to you the manner of submitting the constitution, merely submitting the slavery clause, and said to you that it was a sharp trick, or something of that kind?

Answer. No, sir; my general idea was that the impression was entertained that that plan of submission would compel the people to vote; but the President never said it was a sharp trick, or anything of the kind, to my knowledge.

No. 52.

WEDNESDAY, *May* 9, 1860.

H. L. MARTIN called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. My home is in Mississippi; I came here from the Baltimore convention in 1852 on business with the executive branch of the government, growing out of a treaty with the Choctaws; failing to get it adjusted, at the end of about two years I took a clerkship, and transferred its management to others, and have been in this city most of the time since, but not in office all the time.

Question. In which department?

Answer. I am in the Land Office, under the jurisdiction of the Interior Department.

Question. Are you still engaged in the Land Office?

Answer. Yes, sir; I have not been in office all the time, however.

[Mr. WINSLOW read to the witness the testimony of Colonel Johnson so far as related to him.]

By the CHAIRMAN:

Question. Are you the person alluded to in that evidence who went to Kansas in 1857?

Answer. I presume so; I went there in October, 1857.

Question. Was it you who took out a draft of a constitution from here to the Lecompton convention?

Answer. No, sir; I took no constitution.

Question. What papers did you take?

Answer. These are the papers I carried, (producing two manuscripts,) which, by permission of the committee, I will read; under authority of which I went to Kansas.

Question. Can you not make a statement without reading them?

Answer. They contain a better statement of the matter than I could make.

[Witness here read a letter of instructions from the Acting Commissioner of the General Land Office and one from the Commissioner of Indian Affairs.]

Question. Did you take no other papers to Kansas?

Answer. Not the scratch of a pen on any other subject from any of the departments, except a letter from Mr. Secretary Cobb.

Question. Were you at Lecompton during the sitting of that convention?

Answer. I was, sir.

Question. Did you not sit in that convention?

Answer. I was in the hall a good deal of the time. I was engaged a portion of the time investigating the affairs of the land office at that place, which was in the same building, but in the basement story.

Question. Why did you ask pay for your services from the State Department for attending to business for the Interior Department?

Answer. I did not. Mr. Johnson misconceived the subject in giving his testimony. I went to Kansas twice; first in 1857, under these instructions which I have read, to attend to the business therein confided to me. In December, 1857, I again went to Kansas as bearer of despatches from the State Department.

Question. I am speaking of the time when the convention was in session. Were you not in the convention, acting and consulting with the members relative to the constitution?

Answer. I conferred with the delegates freely; I was consulted by them, and invited into the hall where they held their meetings, and accepted their courtesy. Not only myself, but many other gentlemen not connected with the convention occupied seats in the hall.

Question. Do you not know of other papers being prepared here and sent out to Kansas to that convention to you, or to somebody else?

Answer. None were sent to me, sir.

Question. To somebody else, then?

Answer. None to my knowledge, sir.

Question. Do you not know that you, yourself, was a party to having these papers attended to in that convention?

Answer. I do not, sir. I went out under the direction of the Secretary of the Department of the Interior, in which I was a clerk. I went under the direction of no one else.

Question. Did you not go out at that particular time to attend to that business, knowing that the convention was to meet there? Was not that the main object of your going out at that time, and this other business only a pretext? State frankly.

Answer. If the committee please I claim to be a gentleman, acting upon the impulses, and governed by the principles which prompt, regulate and control the action of gentlemen; and whatever occurred verbally between Mr. Secretary Thompson, the head of the department in which I was a clerk, and myself, in relation to my trip to Kansas, I have always regarded, and still regard, as private and confidential, not to be divulged voluntarily to any one; but, believing the Secretary to be a gentleman, and one who would scorn to shield himself under the rule to which I have referred, from any imputation which all the facts might cast upon him, under compulsion, I am ready to answer fully all questions in regard to what occurred between the Secretary and myself in reference to my going to Kansas, and what transpired there.

Question. You will answer my question, then, if you please.

Answer. Mr. Secretary Thompson called me to his house on the evening before I started to Kansas and directed my attention to the movements of the people of Georgia and Mississippi in reference to affairs in Kansas. The committee are aware, I presume, that the people of both those States had indicated a disposition to complain at the course of the administration, and especially that of Gov. Walker in Kansas, and public speeches were being made in the south by our ablest statesmen, urging the convention to make a pro-slavery constitution and send it up without submission to the people of the Territory, and demand admission as a State into the Union under it, premising that

it had been declared by the opposition, both in and out of Congress, that no more slave States should be admitted into the Union, and indicating a determination to make an issue of secession and disunion on the refusal of Congress to admit Kansas should she thus present herself for admission, an issue he alleged on which the party would be divided and weakened, and perhaps the Union dissolved. "This threatened issue, so portentous of evil, we are anxious to evade. We are in favor of the submission of the constitution, when made, to the popular will of Kansas for ratification or rejection; but I am not willing to take the converse of the proposition; that is, I am not prepared to take ground against the admission of Kansas if a pro-slavery constitution should be made and sent directly to Congress by the convention. I am not prepared to say that the convention have not the right to make a constitution and demand admission under it. We are committed to the legality of that convention, and hence I am exceedingly anxious that whatever is done by it should be submitted to the popular ratification. You see as I do, that if the convention should make a constitution and send it up without submitting it to the people, under the surroundings, Congress would refuse, in all probability, to admit the State; the south would at once take the position that it was on account of the slavery clause in the constitution that Congress refused the admission, and the issue of disunion would be the result. That I am anxious to avoid." It had been regarded here very generally, that all reasonable prospect of making Kansas a slave State was at an end, and he made several suggestions as to how the constitution might be shaped to protect the rights of slave owners of the slaves then there and their natural increase, and indicated that all fair-minded men ought to be willing to go a step further than that; that young men from the southern States had gone there in considerable numbers and established themselves homes for the future; they may *inherit* negroes, family servants, that they would not be willing to dispose of, and all just men ought to be willing to allow them to bring such servants to Kansas and keep them rather than force them to abandon their homes or sell them, for many men would abandon their homes or change their residence rather than sell their old family servants. He further suggested that they might adopt a system of gradual emancipation, as was done in Pennsylvania; perhaps that might be more satisfactory. That is substantially what he said. The whole drift of the conversation, however, was that whatever might be done ought to be submitted to the people, and the constitution ought to be so shaped as to not be reasonably objectionable to the free State democrats in the Territory.

Question. It appears to me that you have not yet answered my question directly. Do you not know of a programme being prepared here and sent to Kansas?

Answer. No, sir, I do not; and so far from knowing it, I am well satisfied that there was no programme prepared here.

By Mr. WINSLOW:

Question. Will you state the facts upon which you come to that conclusion?

Answer. I have stated the substance of what occurred between Mr.

Secretary Thompson, at whose instance I went there, and myself. The instructions which I have just read embrace the legitimate business upon which I went, and the other was merely incidental. He conferred with me very fully and freely, and I have stated the substance of his position on the question of submitting the constitution by the convention to the vote of those to be enfranchised by it for their ratification or rejection. If any programme had been made or agreed upon by himself, or any member of the administration, to be sent to the convention for its adoption, I feel quite sure he would have confided it, or at least a knowledge of it, to me. He did not even pencil-mark anything for me, but talked over the principles involved, and how the schedule of the constitution might be shaped so as to be most acceptable to the free State democrats in the Territory. Being personally acquainted with Mr. Secretary Cobb, and knowing that he had friends in the Territory, I called the day on which I left the city, and had a pretty full conversation with him in regard to the movements in Georgia and Mississippi, in reference to and the affairs of Kansas. He confided to my care a letter to Hugh M. Moore, late of Georgia, who was a delegate to the Lecompton convention; and that was perhaps the paper of which you have had an inkling, and to which you have referred. That paper I read, and it had no relation to a programme whatever. It was an argument urging, in strong and forcible terms, the submission of the entire constitution to the people of the Territory.

By Mr. ROBINSON:

Question. You say the whole drift of Secretary Thompson's conversation was that whatever constitution was formed should be submitted to the people?

Answer. Yes, sir; that whatever constitution that the convention made ought in fairness to be submitted to the voters of the Territory.

By Mr. WINSLOW:

Question. Do I understand you to say that was the substance of Secretary Cobb's conversation also?

Answer. Yes, sir, it was.

By Mr. ROBINSON:

Question. Did the conversation of Secretary Cobb tend to the same point; that the constitution ought to be submitted?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you mean to say that you carried out the programme in your head instead of in your pocket?

Answer. No, sir, I do not mean that either; I carried no programme of any sort.

By Mr. WINSLOW:

Question. I understand you to say that you took out no constitution; no programme; no paper from the Secretaries except that letter which you took to Major Moore.

Answer. Yes, sir.

Question. Did you take out any private instructions from the President, the cabinet, or any other party, with regard to a programme?

Answer. None whatever.

Question. I understand you to say that in your conversations with Secretaries Cobb and Thompson they pressed upon you the submission of the constitution out and out.

Answer. Yes, sir.

Question. When you went to Kansas what course did you take? Did you press the submission of the constitution?

Answer. I did. Without assuming to speak for the administration, I urged, to the extent of my ability, upon general principles, the Cincinnati platform, and the commitments of the party, that all required the submission of the constitution. I maintained that position up to the time when the plan of full submission was defeated by a test vote.

Question. Who was president of the convention?

Answer. General John Calhoun.

Question. Did you know him?

Answer. Yes, sir.

Question. What ground did he take?

Answer. He went in for open, full submission; his course was open, frank, and manly; he took a firm stand in favor of the submission of the entire constitution to the people for their ratification or rejection.

Question. Were you there when the final vote was taken?

Answer. Yes, sir; I was.

Question. When was it taken?

Answer. I cannot state positively the particular day, wishing to be accurate as to dates; I applied to the State Department for a copy of the journal of the proceedings of the convention, and was informed by Mr. Assistant Secretary Appleton that it is not on file there.

Question. State what the vote was. State in a narrative way the action of the committee on the question.

Answer. General Calhoun was president of the convention and appointed a committee on the schedule to which this subject was referred. He appointed Hugh M. Moore, who was vice president of the convention and an open advocate for the plan of full submission, chairman to said committee, and a majority of its members who were known to entertain similar views.

That committee, after full deliberation, reported a schedule embracing a clause making Kansas a slave State, and recommended the submission of the entire constitution, when framed and adopted by the convention, to the popular ratification or rejection. Mr. Blake Little, from the same committee, made a minority report of a schedule likewise embracing a clause making Kansas a slave State, but adverse to the submission of even the slavery clause to the people, and recommending that when adopted they should send the constitution directly to Congress and demand admission under it. Upon these two reports the great battle of submission and anti-submission was fought, extending through several weeks. During most of the time I was satisfied we had a majority in favor of submission; but unfortunately for

the cause of submission, a difficulty sprung up between Governor Walker and a portion of the convention, within a day or two after it reassembled, and it finally extended to a majority of the convention, which really, in my judgment, defeated the submission of the constitution in its entirety to the people.

It arose about certificates of election of members of the territorial legislature from Douglas and Johnson counties. It was alleged that frauds had been committed at Oxford, and threats of personal violence were made by Lane and his adherents against Walker and Stanton if they should give certificates to the democrats claiming to be elected from those counties, who had the certificates of the judges of the election. Governor Walker and Secretary Stanton published a card announcing that they had taken, or would proceed to take, testimony in the case, and if it should appear that fraud had been committed certificates of election should be awarded to the republicans; whereupon a *mandamus* was issued by Judge Cato, at the instance of the democrats claiming to have been elected from those counties, for the purpose of enforcing their right to certificates of election, and thus devolve on the legislature, the judge of the elections of its own members, the investigation of the question of frauds at Oxford. Governor Walker declined a compliance with the mandate of Judge Cato, and awarded certificates of election to the republicans. Thereupon some of the extreme anti-submission members of the convention, with the friends of the thus defeated democratic candidates for the legislature, called a meeting to denounce the course of Governor Walker in this matter, and it was held in the hall of the convention, though at night after the convention had adjourned. They denounced him in bitter speeches, and passed resolutions of censure upon his conduct, without identifying themselves with, or endorsing the frauds, if any had been practiced; taking the ground that Governor Walker and Secretary Stanton were not judges of the election, and had no authority of law for going behind the returns of the judges to inquire into the question of fraud in the election of members, but if frauds had been practiced it was a question for the legislature to settle. That made a breach between the governor and a large portion of the convention, which I labored in vain to prevent, and afterwards to heal. Governor Walker very soon afterwards left Lecompton, and, it was understood there, had gone to George Sanders's, near Leavenworth city, some forty miles distant. During the discussion in the convention of these two reports upon the schedule, General Calhoun took a leading part, advocating, with much force, the out-and-out plan of submission, and made the best speech I heard made upon the question, in which, while censuring the course of the republicans and condemning their principles, advocated most fully and ably their right to a voice in fixing the organic law of the new State, and insisted that it was right that they should have a vote upon the constitution. During the two or three weeks of the discussion, the submission wing of the convention held caucusses at night for purposes of consultation; and it was from the number who attended and participated in those meetings, for I was generally present, that we ascertained we had a majority of the convention. Whether it was on account of Governor Walker's course or not I do

not pretend to say ; but at least three members who had been in the habit of attending our caucusses at night, assenting to suggestions and conclusions in favor of submission, finally, on the test vote as to the submission of the constitution, voted against it ; and one of them, Mr. Mobley, adhered to that vote and finally voted against the plan of partial submission.

The convention reassembled for business on the 19th of October ; and it was somewhere, I suppose, about the first of November, or early in November, that the fight finally terminated upon the two reports on the schedule, when the out-and-out plan of submission was defeated by a majority of one vote, and the minority report adopted by the same vote. A short time before the test votes just mentioned were taken, it was suggested by Rush Elmore, esq., a member of the convention and a man of some influence, that the plan of partial submission—that of the slavery clause alone—was stronger than that of full submission. That had been tested in our side caucusses ; in which, although but about two or three members preferred that plan, they declared their determination not to vote for out-and-out submission, and he presumed every full submission member, if he could not get that, would vote for a partial submission ; he therefore proposed to Major Moore to offer the plan of partial submission as a substitute for Moore's majority report, saying, "If you will accept that as a substitute for your report I have no doubt we can carry it."

General Calhoun was appealed to and he hesitated. He called upon me, being present, for my opinion, and I gave it that they ought to adhere to the out-and-out plan of submission ; and upon my advice, I have no doubt, that proposition was waived. So the battle was fought out on the majority report, and, as before stated, it was defeated by a majority of one vote. On the announcement of that result a sharp discussion sprung up, which extended amid great excitement until a late hour at night, the anti-admission wing expressing their determination to finish up their business and adjourn *sine die* before breakfast. Colonel Isacks and myself induced Mr. Blair, who had voted with the majority, to move a reconsideration, on the assurance that if we could get a reconsideration the plan of partial submission, for which he had expressed his willingness to vote, should be brought forward. Governor Walker, also, who had been in the hands of the anti-submissionists the day before and that day, was also appealed to on the same ground. They voted for a reconsideration, which was carried. The plan finally adopted was then brought forward and carried by a majority of three votes.

By Mr. ROBINSON :

Question. At what time was it that this partial submission was first named to General Calhoun ?

Answer. I do not know, sir.

Question. Was it after Governor Walker had left Lecompton ?

Answer. I do not know, sir.

Question. What is your opinion ?

Answer. I am inclined to think it had been mooted before.

Question. Had you conversations with Governor Walker ?

Answer. Yes, sir.

Question. Did he ever speak to you or you to him about this partial submission?

Answer. I think not, sir.

Question. Do you know whether it was submitted to him while at Lecompton?

Answer. I do not.

By Mr. WINSLOW:

Question. I think you stated that General Calhoun supported the out-and-out submission up to the time of its being lost. Now can you tell us when Governor Walker left Lecompton?

Answer. Yes, sir: it must have been two or three weeks before the convention adjourned *sine die*.

Question. Then he left some time before the final vote?

Answer. Yes, sir; some time before.

Question. After he was gone, up to the final vote, you say that General Calhoun was still pressing out-and-out submission?

Answer. Yes, sir.

Question. When did Walker return to Lecompton, or did he return at all?

Answer. I do not know that he did; if he did, I did not see him, though I have an indistinct recollection of hearing that he drove down in an ambulance and held a short interview with Mr. Stanton, and returned to Sanders's the same night.

Question. Do you think that was before the vote?

Answer. I cannot say whether it was or not.

Question. Was he there at the time the vote was taken?

Answer. I think he was not; I never saw him about the convention hall; he was not there when they reassembled for business, after the recess.

By Mr. ROBINSON:

Question. You spoke of the reassembling of the convention; will you explain that remark?

Answer. The convention met first in June, and partially organized; an election was then pending for a delegate to Congress and members of the legislature; they all wanted to go into the canvass, and so they adjourned to meet again on the 19th of October; no business was done at the first meeting.

By the CHAIRMAN:

Question. It was at the second meeting you was, then?

Answer. Yes, sir.

Question. Do you know the contents of that letter sent by Secretary Cobb to his friend in Kansas, or was it sealed?

Answer. I read it, sir.

Question. Was it not the primary object of your going to Kansas to be there while the convention was in session?

Answer. I cannot answer as to the moving cause in the Secretary's mind; he impressed me with the importance of the business that I

went there to transact, but he stated that I would doubtless see members of the convention. He knew I had acquaintances there, and in that connexion spoke to me of the importance of submitting whatever constitution they might make to the popular ratification.

Question. Did you not, before going there, write a letter to the south—to Mississippi, I think—giving the programme that was expected to be carried out, which was published in a Mississippi paper?

Answer. No, sir; I never wrote a line to Mississippi or anywhere else, in regard to the convention, until I went to Kansas.

Question. Was it after you went there that you wrote a letter to Mississippi, which was published in a Mississippi paper, and was afterwards copied?

Answer. I have a letter here, written from Kansas for, and published in the Eastern Clarion, at Paulding, Mississippi, of date the 31st October, 1857, signed Henry L., my own name being Henry L. Martin, which, with permission of the committee, I will offer, and ask that it be taken and deemed part of my testimony. There is but one portion that refers to this subject, and I will mark it, with the request that the committee will read it.

Question. Did not Secretary Thompson impress your mind with the importance of being there at the meeting of that convention, after giving you his views fully on the subject?

Answer. No, sir; not particularly. He said I would probably be thrown in contact with the members.

Question. Did you go with or without the knowledge of the President?

Answer. I do not know whether he knew anything about it or not.

Question. There was one point which you did not explain—why it was that Mr. Johnson was induced to make application to the State Department for compensation?

By Mr. WINSLOW:

Question. While on this other matter, before leaving that point, I wish to ask the witness a question. Do you know in any way in the world, either by written or oral instructions, or intimations, advice or counsel, from the President of the United States or any member of the cabinet, and especially the Secretary of the Interior and the Secretary of the Treasury, or have you the slightest reason to believe that any paper forming a constitution for Kansas, or this *programme* as they call it, was drawn up and transmitted from Washington to Kansas? If you have, state it.

Answer. I have none upon earth, but, upon the contrary, every fact that I know in regard to the matter, either from Secretaries Thompson and Cobb, or anybody else connected with the administration, is against that presumption. Mr. Secretary Thompson, when he was conferring with me as to what ought to be done, alluded to Secretary Stanton's inaugural address to the people of Kansas, in which he took the ground that the convention ought to make a constitution, and submit the slavery clause alone to the people, objected to that on the ground that it was the worst form in which it could be submitted.

Question. Your advice was to press, as far as your influence went, out-and-out submission?

Answer. Yes, sir.

Question. I have one additional question to ask—whether you have any reason to believe the administration were using any influence in any other quarter against out-and-out submission?

Answer. None whatever.

By the CHAIRMAN:

Question. Mr. Johnson, in the testimony which has been read to you, speaks of a conversation with you with regard to some compensation from the State Department, and I think you said that had reference to another time?

Answer. Yes, sir; my second visit to Kansas.

Question. Please state what that was for, and when it was?

Answer. I started from Washington, I think, on the 2d of December, 1857. Mr. Secretary Thompson sent for me and asked if I could go to Kansas. I told him I did not like such a long and fatiguing trip, which would be attended with considerable sacrifice of personal comfort. Said he "We have got to send some despatches out to Mr. Stanton, and I would like to have you go." "Very well," I replied, "I will go if you desire it." He said he wanted me to start at once, and that I must call at the State Department and get the papers, which I did.

Question. Did you go without any appointment, or any instructions?

Answer. I had neither written appointment or instructions. I had a short conversation with Mr. Secretary Thompson on the subject. Said he, "Tell our friends in Kansas, whatever they do, to send up the constitution untrammeled by any question of fraud in the election upon it; do not embarrass it by any suspicion of fraud," or language to that effect. The Lecompton convention adjourned *sine die*, I think, on the 9th of November. Provision was made in the constitution for its partial submission to a vote of the people on the 21st of December, and for an election for members of the State legislature and for State officers on the 4th of January following. It was on the 2d of December, after the adjournment of the constitutional convention, that I started to Kansas with despatches for Secretary Stanton, then acting governor. I had no business to transact for the Interior Department, and hence I applied at the State Department for compensation for that trip.

Question. Did you not draw your pay from the Interior Department all the time?

Answer. Yes, sir; but it is the rule in all the departments, I believe——

Question. Would you have gone out from the Interior Department at that particular time if it had not been for the meeting of the convention?

Answer. I do not know, sir. I went under instructions from the Secretary. It was not of my own volition.

Question. Was there any other person besides yourself admitted to sit in the convention except the delegates?

Answer. Yes, sir; all democrats in fellowship with the party were allowed to occupy seats in the hall.

By Mr. ROBINSON:

Question. Were you in the seats among the delegates?

Answer. Sometimes I would take a vacant seat by the side of a delegate and talk to him.

By the CHAIRMAN:

Question. It appears strange—the majority of the convention being in favor of submission, and you being in favor of it—that it should have failed. How did that happen?

Answer. It was a close contest. I think, for the reasons before assigned, that we had a majority in favor of submission all the time until Governor Walker's course prejudiced the cause of submission.

By Mr. TRAIN:

Question. In what way?

Answer. By absenting himself from the seat of government, and placing himself without the pale of communication with the delegates. He did not co-operate with them, giving the aid of his influence by counsel and encouragement.

By the CHAIRMAN:

Question. You did not get any communication from Washington when the convention was sitting?

Answer. I did not. I received no despatch myself, and I am not aware of any one there having received one.

Question. Did you meet Mr. Cobb, of Alabama, out there?

Answer. Yes, sir, at Leavenworth City. He knows the position I occupied, and, in fact, so did every member of the convention; and I am utterly astonished that the idea should have obtained anywhere that I opposed or interfered with the plan of out-and-out submission. That letter in the "Eastern Clarion" speaks for itself; and by the principles and avowals of that letter I have stood all the time. And there were reasons pressing with peculiar force on Secretaries Thompson and Cobb why they should desire the submission of the constitution. These reasons operated on me; for if it was not done, and the constitution, sent up without submission to the people, should be rejected by Congress, there was an avowed purpose on the part of the leading statesmen in the south to make an issue of disunion, upon the ground that there was manifestly a determination on the part of a northern sectional majority that no more slave States should be admitted into the Union.

By Mr. ROBINSON:

Question. What time did you return to Washington?

Answer. I left Lecompton on the 13th of November, I think, and stopped at Leavenworth City until the 16th, where I learned Governor Walker was still at George Sanders's; and on the 16th or 17th I left that city for Washington, in company with Governor Walker. We travelled together several days.

Question. When you arrived here did you communicate to Secretary Thompson the final result of that convention?

Answer. I did, sir.

Question. The manner of submission and all?

Answer. I did, sir.

Question. Did he approve of that?

Answer. I cannot say positively, but my impression is that he did. He thought the question of submission was saved, as the slavery was the only question that had amounted to an issue in or out of Kansas—the only bone of contention—and as that had been submitted, he thought there existed no reasonable ground of complaint.

By Mr. OLIN:

Question. And he saw no objection to guaranteeing the existence of slavery there, and perpetuating it by this contrivance?

Answer. I do not think he urged any objection to it.

By Mr. ROBINSON:

Question. Did you have any talk with any other member of the administration with regard to the manner of this submission?

Answer. Perhaps I had with Mr. Secretary Cobb; I am not sure.

Question. Do you recollect whether he approved the manner of submission?

Answer. I am not positive whether I had any conversation with him on the subject. I think I heard no objection to it from that quarter.

Question. You preferred the submission of the whole constitution, rather than the manner in which it was submitted?

Answer. Yes, sir.

Question. And only took this thing as a *dernier resort?*

Answer. Yes, sir. I stated afterwards, however, that it was a substantial compliance with the commitments of the party and the Cincinnati platform, and advocated the admission of Kansas under it.

By the CHAIRMAN:

Question. Did not Secretary Thompson intimate to you that your mission was a successful one out there; that you had rendered services in getting that matter settled?

Answer. I do not remember what he said on that subject, but I heard no complaint from him, or any member of the cabinet, or from the President, as to my course in Kansas.

By Mr. OLIN:

Question. When did you last see Governor Walker on leaving the Territory?

Answer. We left the Territory at the same time and came down on the boat together. Governor Walker left Lecompton some time before the adjournment of the convention, and was understood to be at George Sanders's. I do not know, except from what I heard, that he was there.

Question. At the time Walker left the Territory was not General Calhoun notoriously advocating this project of the manner of submission?

Answer. Yes, sir; it had then been adopted by the convention. He advocated the voting by the democratic party there their sentiments for or against slavery. He advocated their voting upon the constitution. He manifested much anxiety that the action of the convention should be sustained by the people, because he believed that action met the peculiar views of Mr. Douglas.

Question. Before Governor Walker left the Territory was not General Calhoun a persistent advocate of the plan of submission which was finally adopted?

Answer. It had then been adopted, and, as before stated, he urged the people to sustain the action of the convention; but, up to the time the out-and-out submission was defeated, I don't think he ever advocated the plan that was finally adopted over that of entire submission.

Question. I did not ask you that.

Answer. I have already stated that he advocated the plan that was adopted.

Question. Openly so, before Walker left the Territory?

Answer. Yes, sir.

Question. Well, sir, there has been some hard swearing on this matter, and we want to get at the truth.

Answer. I hope you do not mean to insinuate that I have not told the truth.

Question. Not at all; but the case stands thus: Before Walker left the Territory Calhoun goes to him, according to his own evidence, with this plan that was finally adopted, urging him to give in his adhesion to it, and assuring him, upon the best possible knowledge in the world, that it was the plan of the administration. Now, that is not very probable to be true, if Mr. Calhoun was all this time a persistent advocate of submitting the entire constitution to the people; that you will see at once.

Answer. General Calhoun advocated openly the out-and-out submission until it was voted down. He then, as a means of saving the submission on the slavery question, gave in to the plan of submission finally adopted. I think it was brought forward by Mr. Elmore, and it carried. Well, sir, I do not think he had conferred with Governor Walker for some time before that, and I am satisfied he did not confer with him afterwards, unless it was after the convention had adjourned.

Question. Long before this final vote Walker testifies that Calhoun came to him and shadowed forth the project that was substantially adopted by the convention, endeavored to pursuade him to give in his adhesion to it and abandon the project of entire submission, and assured him that that project was the scheme of the administration, upon undisputed knowledge. Governor Walker replies to him, "Sir, I am the man with whom the administration are to communicate. If the Executive wants to influence my action upon that subject he had better make the communication to me." And he told Calhoun, further, that no President or anybody else should ever pursuade him to give in his adhesion to that measure. Now, you see that was the position of Calhoun at that time, unless Walker is very

much mistaken about it. Do the journals of the convention show the votes taken, and how many were in favor of submitting the whole Constitution to the people?

Answer. I presume so.

Question. And you say that Calhoun appears as voting for the entire submission?

Answer. Yes, sir. I say he so voted. Whatever he may have said to Governor Walker, I am satisfied, from what he said to me, and to others in my presence, and from his action in the convention, that he was an advocate of out and out submisson. He made the best speech in favor of it that I heard made in the convention.

By Mr. ROBINSON:

Question. About what time was the majority report voted down and the minority report voted on?

Answer. It was, to the best of my recollection, early in November the majority report was defeated.

Question. And immediately upon the loss of the majority report the minority report was adopted?

Answer. Yes, sir.

Question. And then there was a reconsideration of that vote, and this final plan of submission was incorporated into that minority report, and that was adopted; and long before that time Governor Walker had left Lecompton, and Calhoun had no chance to have consulted with him upon the question?

Answer. Yes, sir. I should say about two weeks, to the best of my recollection.

By Mr. OLIN:

Question. Do you know who was the author of that provision?

Answer. I think I drew it up myself.

Question. When were the preliminaries first talked over?

Answer. I heard the subject talked of from the time I went into the Territory. Mr. Cobb, of Alabama, spoke of it to me as the plan that would probably be adopted. This was before the 19th of October. I combatted the idea, and told him he was mistaken. This was the idea developed by him: "They will make two constitutions, just alike, with this exception: one establishing slavery, and the other interdicting it, and submit to the people to determine between them."

Question. About what period did you draft this provision?

Answer. I think it was after the out-and-out submission had been voted down.

Question. Is not your memory distinct as to that?

Answer. My impression is it was the very night after it had been rejected by the convention, for up to that time I had not given a moment's consideration to any other than the entire submission plan, with a view to embrace it.

Question. And no similar provision had been drafted in writing prior to that time?

Answer. Not that I am aware of, although there may have been.

Question. Who consulted you about drawing it up?

Answer. General Calhoun, Rush Elmore, and Hugh M. Moore; I do not recollect whether any others. We had been associated together upon the out-and-out plan of submission; and that having failed, the question was, what was best to be done now? and it was a question of discussion among us at that time as to what course Governor Walker would pursue. I think, therefore, it must have been after the convention adjourned *sine die* that General Calhoun pressed this plan upon Governor Walker; because it was an anxious inquiry by Calhoun and other friends of submission, whether Governor Walker would co-operate in urging the ratification of this plan by the people. I wish here to negative, most unequivocally, the idea that I ever gave General Calhoun the assurance, or said ught to him, or any one else, that would have justified him in the statements on my authority which Governor Walker has testified Calhoun made to him in regard to this scheme being that of the administration, or that the administration had any plan or scheme on the subject. I never claimed to represent the administration in or to the convention.

Question. It is a little extraordinary that you should not have represented what were the views of the administration.

Answer. I mean I did not assume to speak for them, or to represent them by authority. I did represent what I knew to be the views and wishes of Secretaries Thompson and Cobb, but I did it upon general principles, by referring to the commitments of the party north and south to the Cincinnati platform, and to the inaugural address of President Buchanan, and to his annual message relating to Kansas.

Question. And Calhoun thought he had done Douglas a service in submitting it in that form. [Referring to his testimony previously given, but printed below.]

Answer. Yes, sir; and as a reason for thinking so he showed me a paper containing an article in the "Chicago Times," which he alleged was Douglas's organ.

By Mr. ROBINSON:

Question. Did the "Times" advocate submission in that form?

Answer. General Calhoun said so. I did not read the article.

Mr. ROBINSON remarked that there was never a word published in the "Times" showing any such thing. The "Times" denounced the project from the start.

Answer. The plan finally adopted was regarded by General Calhoun, and he so assured his friends, as the favorite plan of Mr. Douglas; and he stated, when we finally succeeded in getting the slavery clause submitted, that he had rendered an important service to his friend, Douglas; and he at once wrote to him announcing the result, and enclosed him a copy of the schedule.

Question. How do you know that fact?

Answer. I saw the letter, and carried it to the post office at Leavenworth City myself.

Question. When was it?

Answer. It was soon after the adjournment of the convention, on the 9th of November.

WEDNESDAY, *May* 9, 1860.

Appendix to the Testimony of H. L. Martin, being the Instructions under which he went to Kansas.

GENERAL LAND OFFICE,
October 1, 1857.

SIR: By direction of the Secretary of the Interior, you are hereby instructed to repair immediately to *Doniphan*, in the "Delaware district," in Kansas, and then proceed as follows:

1. You will collect all the facts respecting the alleged propriety and necessity for removing the land office from Doniphan, and if, upon the data you may obtain, your judgment should be satisfied that a change is indispensable, you will designate the place most suitable for the location of the land office in the Delaware district.

2. Whilst at that office, you will thoroughly examine into its condition, the state of the archives, the manner of transacting public business, and whether its duties are promptly and efficiently discharged.

3. Complaints having reached the department touching the sale of the Indian trust lands, you are hereby instructed to investigate this matter thoroughly, with a view to determine whether those sales were conducted in strict accordance with law and instructions, or whether there has been any irregularity, impropriety, or illegality in the manner in which that business has been transacted; specifying, of course, any cases in which the interposition of the department may be necessary to enforce the ends of justice, or redress any grievance or wrong.

The trust lands, referred to in the foregoing, are—

First. The *Iowa* trust lands in the Delaware district, situated in the northern part of the Territory, offered in June last, at Iowa Point.

Second. The *eastern* part of the Delaware lands, in same district, including townships and fractional townships 7, 8, 9, 10, of ranges 19, 20, 21, 22, 23, including lots and blocks in the towns of Jacksonville, Delaware, Hardville, Lattaville, and Leavenworth City, offered in November last at Leavenworth.

Third. The *western* part of the Delaware trust lands, in same district, in townships and fractional townships 5, 6, 7, 8, 9, 10, 11, ranges 15, 16, 17, 18, offered at Osawkee in June last.

Fourth. After concluding your investigations in the Delaware district, you will then immediately proceed to the *Pawnee land district* land office at Lecompton, and make similar investigations respecting the condition of the business of that office, the sales of—

Fifth. The Peorias, Kaskaskias, Piankeshaws, and Weas, in townships 15, 16, 17, 18, ranges 20, 21, 22, 23, 24, 25, offered in June last at Paoli.

Sixth. The Shawnee reserve lands. (See treaty of the 10th May, 1854, United States Statutes, vol. 10, page 1053.)

By that treaty you will find that two hundred thousand acres are ordered to be selected for the Shawnees, certain selections are to be made for missionary societies, and individual selections for Shawnees.

A report, it is understood, has been made to the office of Indian Affairs of these selections, but is not yet finally acted upon.

Your attention is here drawn to this to the end that you may inquire into the present condition of these Shawnee lands, in regard to the white settlements thereon, the extent and localities of these settlements, and whether any, and if so, what, authority or assurance, if any, was given by the Indian agent for entering upon these lands, and how far, if at all, he has undertaken to commit the government in the premises.

Seventh. You will next repair to the office of the surveyor general at Lecompton, and will there make a thorough examination into the condition of its business, of the archives, and the general administration of that surveying department, reporting any defects which may exist, with the remedy. Your attention, in connexion with this duty, is specially directed to the fact that an additional compensation of $1,000 was allowed to the surveyor general of Kansas and Nebraska by the department on the 10th August, 1855, to commence with the 30th April of that year; also two clerks, at $1,100 per annum, with an allowance for incidental expenses. All this has been and is still paid out of an appropriation made for Indian purposes, of which the sum of $15,000 was placed under the control of this office in January, 1856.

These additional expenses have been allowed to the surveyor general to compensate him for an additional and intricate service which he had to perform respecting Indian trust lands in Kansas, in superintending their survey, classification, valuation, &c. The business connected with this branch of the service having been nearly completed, you will investigate the present condition thereof, and report the time when such additional expenditures should cease.

Eighth. You will also report *when*, to *what extent*, and in *what particular localities* in Kansas it would be proper to introduce lands into market by the President's proclamation.

You will make a full report in regard to the several matters referred to in the foregoing under separate heads.

Very respectfully, your obedient servant,

JOSEPH S. WILSON,
Acting Commissioner.

H. L. MARTIN, Esq.,
Of the General Land Office.

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,
October 3, 1857.

SIR: The Secretary of the Interior is desirous of availing of your visit to Kansas on business connected with the General Land Office to institute an inquiry respecting the alleged transfers of individuals of the Shawnee and the confederated bands of the Wea, Kaskaskia, Peoria, and Piankeshaw Indians, for whom, by treaties entered into, respectively, in the year 1854, provisions were made for their selections in severalty, with restrictions as to alienation, as indicated in the

accompanying copies of treaties above referred to. This inquiry will extend to the number of transfers, and generally to all matters connected therewith.

Treaties were, during the same year, negotiated with the Delawares, Kickapoos, Miamies, Ioways, and the Sacs and Foxes of Missouri, by which reservations for the use of the respective tribes were retained as common property. It has been represented to the department that in most, if not all, these cases trespasses have been made upon said reserves by the citizens of Kansas Territory. In this connexion, the Secretary is also desirous that your inquiries be extended to this subject, with a view to ascertain the truth of the representations, and the extent to which said trespasses, if any, do exist. Copies of the treaties with the tribes above referred to are also herewith. He is further desirous that you should acquaint yourself of the manner in which the various agents of the Indian department discharge their duties generally, and particularly with a view to protect the Indians, within their respective agencies, from the depredations referred to.

Upon the conversation you had with the Secretary upon the subjects hereinbefore indicated, you have been informed fully of his views in the premises, and of the reason which has influenced him in designating you for this duty. Therefore, no further details are deemed necessary.

A full and detailed report of all the information elicited in reference to the foregoing subjects is desired at as early a day as practicable.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

HENRY L. MARTIN, Esq.

No. 53.

WEDNESDAY, *May* 9, 1860.

A. J. ISAACS called and examined.

By the CHAIRMAN:

Question. Where do you live?
Answer. In Leavenworth City, Kansas.

By Mr. WINSLOW:

Question. I wish to know if you were at Lecompton when the convention was in session?

Answer. I was not there during the first part of the time. They had two sessions; and I was not there during the first session that I remember of, nor was I there immediately after its reassemblage.

Question. Were you there when the final vote was taken?

Answer. Yes, sir; I received a note from a member of the convention to the effect that the convention would refuse to submit the constitution, and requesting me to come over. After that proposition to submit the constitution to the people had failed, it was determined by the convention to send it up, and it was thought that if I was there I

might have some influence in preventing that result, those gentlemen knowing that I was favorable to the submission of the constitution.

Question. Are you acquainted with Mr. Martin, who has just given his testimony here?

Answer. Yes, sir.

Question. Did you see him out there?

Answer. Yes, sir.

Question. Do you know what his views were, or what he was endeavoring to impress upon the people there?

Answer. Mr. Martin came out there with some instructions from the office of the Secretary of the Interior relative to the proposed change, or to inquire into the practicability of changing the land office from Doniphan to some other point in that land district. It had been represented that it would be more convenient for the people to have it at some other point, and the question was, what point should be selected. The instructions embraced that point, and also some further matters that he was instructed to inquire into relative to the land office at Lecompton, there being some charges of mismanagement of the office. That I am confident of, for he showed me his written instructions to that effect. As to his individual course out there, he was always, in all the conversations that I had with him, and so far as I had any means of knowing, in favor of the submission of the constitution. I know that some of the extreme anti-submission members of the convention thought that he, not being a resident, was a little too earnest about a matter in which he was not personally concerned.

Question. Do you know Mr. Calhoun, sir?

Answer. I do, sir.

Question. Do you know what his views were?

Answer. Mr. Calhoun made a speech in favor of the submission of the whole constitution to the people; he voted for it, and finally when he could not get it, he was very active in favor of the plan which was adopted; and he may have entertained that plan in his own mind before, but if he did I never knew it, and I was very intimate with him—at least I had conversed freely with him on this subject.

Question. Up to the time of the final vote you think he was for out-and-out submission?

Answer. About up to that time. I was not at Lecompton except about a week previous to the final vote. I went over there, at the suggestion of a member of the convention, for the purposes that I have indicated; and when I arrived there, I think the evening after I arrived, there was a caucus held at his office of the friends of submission, when it was proposed, in the event the other proposition had failed, (and I think the other had failed that day,) that they would then go in for this partial submission; and that was the first time that I recollect of having heard the plan presented in anything of a tangible shape so as to make an impression upon my mind. It may have been spoken of previously—I had various conversations with a multitude of people in regard to what would be the probable action of the convention; but I was not a member of that body, and I would not pretend to say that I never had heard of any such plan; but I do not now remember that any such plan ever made an impression upon my mind,

except about that time. I know that if Mr. Calhoun had entertained any serious purpose of such a plan for any length of time, I should in all probability have been made aware of it; knowing that I had my own views about that matter, he might possibly have kept it from me; but I do not think he would. I had a plan of submission which I had mentioned to him; he being a prominent member of the convention, and being a northern man, I supposed he would exercise some influence upon his northern friends in the convention. It was for that reason that I had communicated with him.

No. 57.

TUESDAY, *May* 15, 1860.

WILLIAM M. BROWNE called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Washington city.

Question. In what are you engaged?

Answer. I am one of the editors of the "Washington Constitution."

Question. Were you at one time connected with the "Journal of Commerce," in New York?

Answer. Yes, sir.

Question. During the time you were connected with that paper, did you not write some articles defending Mr. Schell from some charge or some difficulty he was in?

Answer. Not that I recollect specially, sir; perhaps generally I might. If a charge that I thought was not well founded was brought against Mr. Schell, I presume I defended him; but I have no special recollection of having done so. It is very possible that I might, however.

Question. We have information that you had a situation under Mr. Schell, in the custom-house, as clerk, or received compensation as clerk in that department. Will you please state whether that is the fact.

Answer. I held a clerkship for a few months; I really cannot tell you how many—three or four.

Question. What situation was it?

Answer. It was a clerkship in the warehouse; invoice clerk, I think it was, but I am not certain as to the technical name that was employed in the department.

Question. Was that during the time that you were connected with the "Journal of Commerce"?

Answer. Yes, sir.

Question. Why was that situation given to you?

Answer. I do not know.

Question. Was there no special reason?

Answer. No, sir, none that I know of. If you mean to ask whether

it was given to me as a reward for services rendered, I will say that was not the case.

Question. Did you ever render any services in that situation?

Answer. Yes, sir; whenever called upon to do so.

Question. Were you ever called upon?

Answer. Yes, sir, but not often; because the force is sometimes larger than required for the ordinary business; but when there is a press of business the extra force is called upon to do the work; at least I so understood it.

Question. Was not that a sinecure given to you without expecting you to render service?

Answer. No, sir.

Question. How much service did you render, in your judgment, during the time you held the place?

Answer. I did everything that I was required to do.

Question. What service did you render? What were you required to do?

Answer. I went to the custom-house every day, and did whatever the head of the bureau told me to do. Sometimes he told me that there was nothing at all for me to do, and at other times there was.

Question. How many days, during the whole time you were in office, did you have anything to do?

Answer. It would be impossible for me to tell you the number of days; it would be impossible for me to recollect.

Question. Did you do anything but sign the pay-roll?

Answer. Yes, sir.

Question. What was it?

Answer. I did the duties belonging to the desk that was assigned to me. I took whatever papers were presented to me, and copied them It was simply clerical labor.

Question. What pay did you get?

Answer. I think it was somewhere between eleven hundred and twelve hundred dollars per annum—not twelve hundred.

Question. Did not Mr. Schell give you that place immediately after you had rendered him some service in defending him from charges against him?

Answer. I do not recollect any occasion particularly when a charge was brought against him. If I had seen a charge made against him that I deemed unfounded, I believe I should have defended him; but I know there was no special reason of that sort for giving me this place, and I think if I had defended him on any special occasion I should have recollected it.

Question. Are you receiving compensation from that or any other department now?

Answer. Not a penny, sir.

Question. When did you cease to receive that compensation?

Answer. Immediately on leaving New York.

Question. Have you got any since you came here?

Answer. No, sir.

Answer. How many months did you hold that situation?

Answer. About four or five—perhaps not so much; I really cannot

tell you now from memory. I could tell if I were to look at my memoranda; but I think it did not exceed five months.

Question. Can you not give us some idea of the amount of service that you rendered; whether it amounted to a day in a month, or a week in a month, during that time?

Answer. Sometimes it was not a day in a month, and sometimes it was several days in a month. I was at the custom-house every day, or almost every day, except during the time when I was sick. I was very sick six or seven weeks during the time; but almost every day that I was able to be out of my own house I was at the custom-house.

Question. Who filled that place before you?

Answer. I do not know.

Question. Did anybody fill it after you?

Answer. I do not know.

Question. Do you not know that there was no provision for such a place; that it was a mere sinecure, in order to give you a salary?

Answer. No, sir, I do not know anything of the kind, and never heard of it. There certainly was no such understanding between me and Mr. Schell, or between me and anybody else.

Question. But did you not know about that understanding?

Answer. No, sir.

Question. Did you render one week's service, put it altogether, during the whole time you were receiving that pay?

Answer. Yes, sir; I am certain that I did.

No. 58.

TUESDAY, *May* 15, 1860.

F. W. WALKER called and examined.

By Mr. ROBINSON:

Question. Where do you reside?

Answer. In Brooklyn, New York.

Question. Were you here during the Congress in which the English bill was passed?

Answer. I was.

Question. Did you receive any money from Mr. Wendell to assist in passing that bill?

Answer. I did not, sir.

Question. Did you receive any money from Mr. Wendell for your services to assist in passing any bill during that Congress?

Answer. I never received from him or any one else any money, by virtue of any contract or agreement with him or any one else, to assist in passing the English bill or any other legislative proposition, or based on any consideration connected with any particular proposition under the attention of Congress.

Question. Did you receive any money from Mr. Wendell for anything?

Answer. I did, sir.

Question. How much did you receive?

Answer. I did not exactly receive money, but money equivalent.

Question. State the amount that you did receive.

Answer. I received a check for $500 and two notes for $1,000 each.

Question. When did you receive these?

Answer. A day or two before the adjournment of the last session of Congress.

Question. Have these notes been since paid?

Answer. They have, sir.

Question. What was the consideration for that check and those two notes?

Answer. There never anything passed between Mr. Wendell and myself upon the subject, or between me and any one else connected with the matter. Mr. Wendell had had business before Congress, and was likely to have in perpetuity; but not a word passed between us on the subject. At various times, when we have had different matters up, he has spoken to me in respect to my good will towards a measure in which he was interested; but at the time when I received that from him nothing particular was said.

Question. What measures had he spoken to you about?

Answer. I cannot say particularly.

Question. Can you not recollect one of them?

Answer. I do not know that Mr. Wendell spoke to me of any specific measure in all the back Congresses. In this Congress he spoke of his interest in connexion with printing matters.

Question. I am speaking of what occurred in former Congresses.

Answer. Well, sir, I had my supposition with regard to matters in which he might be interested.

Question. What did he say to you when he gave you this money?

Answer. I think there were not more than two or three words passed between us. He took me into one of the rooms, as he was about to go away, and there were some two or three persons present.

Question. Who were there?

Answer. Some of the clerks in the Clerk's room, I think. I cannot say positively who was there. And then he drew these notes, and handed them to me.

Question. Did not he say a word?

Answer He might have said that he was in a hurry, or something of that sort. I believe he also said, in a joking way, that he did not know as these notes would ever be paid, for he might break, or something to that effect.

Question. Do you mean to swear that Mr. Wendell paid you this money without any understanding that there should be any consideration whatever on your part?

Answer. I simply state the facts as they occurred.

Question. Were you engaged in assisting in passing either the bill for the admission of Kansas under the Lecompton constitution, or what is known as the English bill?

Answer. No, sir.

Question. Did you take any part in that contest?

Answer. As a correspondent writing for the press, I had an interest in the matter. I was opposed to the passage of the Lecompton bill, and my immediate friends in Congress were opposed to it, and voted against it.

Question. Did you ever have any conferences with Mr. Wendell about it in any way?

Answer. No, sir.

Question. Did he never talk to you about the measure?

Answer. Only as I talked with everybody else; there was nothing specific passed between us.

Question. Did Mr. Wendell ever come to you and ask you to assist in the passage of any particular measure?

Answer. Never, sir.

Question. Did you ever tell him that you had assisted in the passage of any particular measure in which he was interested?

Answer. I do not think I ever did.

Question. And you say that he just came to you and handed you this $2,500, without intimating to you what it was for, and without any understanding between you and him whatever?

Answer. I say that no words passed between us on the subject—I say that nothing passed between us, except the incidental remarks which I have already given.

Question. There was no understanding that you had helped him in any of his measures?

Answer. Not a word.

Question. Had he any means of knowing that you had assisted him in any measures in which he was interested?

Answer. He knew my general favor to him might have been worth something; but whether he knew what I did or not, I cannot say.

Question. Had you been laboring for Mr. Wendell's interest?

Answer. I had alway been a friend to him.

Question. Had you labored for his interest in the passage of any measure before Congress?

Answer. I had been generally friendly to him, and wherever I could speak well of him and for him I had always done so.

Question. Now state in what you had assisted him.

Answer. I cannot state that I had rendered him any specific service; I cannot tell that my efforts have been of any avail whatever.

Question. In what did you try to assist him?

Answer. I cannot say particularly. Without having a word with Mr. Wendell upon the subject, I supposed or inferred that it would be a matter of interest to him to have a printing bureau established, and the mode of doing the public printing changed; and I favored that measure, not particularly for that reason, but because it commended itself to my judgment. Last year, when Mr. Taylor drew up his report on that subject, I interested myself in the matter, and was with him in getting up that report.

Question. But you never had any conference with Mr. Wendell about it, you say?

Answer. Not a word, prior to my being interested in it. It was a

matter of inference, rather than assurance, that it might be agreeable to him.

Question. At what time were these two notes drawn, and when did they fall due?

Answer. I can hardly state; I have no means of knowing now.

Question. When were they given to you?

Answer. A day or two before the adjournment of the last Congress.

Question. Who paid those notes?

Answer. I do not know.

Question. What did you do with them?

Answer. I put them into the bank, and let them come to Washington for collection.

Question. You do not know who paid them?

Answer. I do not know how they were collected here.

Question. And you got that $2,500 without the least idea what it was for?

Answer. I got it precisely as I have stated.

Question. Are you in the habit of getting such windfalls as that?

Answer. Well, if you wish to know about that, I will say that I do occasionally receive windfalls without a word being said as to what they are for. I have received them at the present session. I have had a gentleman put $200 in my hand without saying anything about any measure whatever; and I do not know that a gentleman, who has done a similar thing on three or four occasions, ever had a measure before Congress in his life?

By Mr. WINSLOW:

Question. State who it was.

Answer. I decline stating who it was, because it is not connected with Congress at all.

By Mr. ROBINSON:

Question. Who was it that handed you the $200?

Answer. I decline giving his name, because it was a gentleman in no way connected with Congress. He was a personal friend of mine.

Question. Are you now employed to assist in getting any measures passed through this Congress?

Answer. Well, sir, I am interested somewhat in a matter before this Congress; or, at least, I have supposed I was.

Question. What is that?

Answer. Mr. E. K. Collins wrote to me about a claim, with which you are doubtless familiar, that he has against this government for a balance due him for carrying the mails.

Question. You are engaged in that?

Answer. I cannot say that there is an engagement. He wrote me about it, and wished me to promote it as far as I could; and I have felt interested in getting it through.

Question. What is your business?

Answer. I am connected with the press, and I am also here politically.

Question. Are you a reporter?

Answer. I am chiefly here in political matters and political interests, and it is in connexion with those that what money I have received has come to me.

Question. What paper are you reporting for?

Answer. I am corresponding for the New York Express.

By Mr. OLIN:

Question. Do you recollect any conversation that took place between you and Mr. Wendell at the time he gave you the money of which you have spoken?

Answer. Nothing more than I have already stated.

Question. Was there anything said about it at any other time?

Answer. No, sir; although we are well acquainted, he never stopped to converse with me for three minutes. This matter might have been talked about at some time, but there was never any agreement, stipulation, or anything of the kind between us.

Question. You did not understand, at the time the money was handed to you, whether it was for your own private use, or whether it was to be paid over for some other purpose?

Answer. I supposed it was for my own private use.

Question. What reason had you to suppose that it was for your own private use, inasmuch as there was no conversation to that effect, and you had rendered no service to Mr. Wendell?

Answer. I had no other reason than supposition, based upon my general good-will to him, and what I believed to be his good-will to me.

Question. What use did you make of that money?

Answer. I spent it when I got home, in paying my debts and supporting my family.

Question. Can you tell any particular places in which you paid it out?

Answer. If I had my account-book here I probably could. I suppose I paid ten dollars in one place, twenty dollars in another, and fifty dollars in another: to the grocer so much, for dry-goods so much, and so it went. I only spent a small part of it here in Washington; I might have paid the balance of my little bill here, for I never allowed my bills to become large.

Question. What did you do in aiding the passage of the English bill?

Answer. I did not do anything, for I was opposed to it.

Question. You did not apprehend that this money was given to you for your opposition to that bill, did you?

Answer. I apprehend not. I supposed my action in reference to that bill was well understood.

Question. Then you had no idea what this money was paid you for?

Answer. I had no other idea than what is comprehended in the answer I have already given.

Question. You think it was on account of your general good-will towards Mr. Wendell?

Answer. I cannot say what was the motive that influenced him.

Question. I am asking what your idea was as to the consideration for which this money was paid you.

Answer. I have just stated it. I thought Mr. Wendell might have given it to me for my general good-will.

Question. You suppose that was the consideration?

Answer. I cannot say with certainty what it was.

Question. What did you suppose was the consideration—what was the cause, in your judgment—that induced him to place that money in your hands?

Answer. I can only say, as I have said, that I suppose Mr. Wendell gave it to me for good-will.

Question. He had made you no promises to pay you this?

Answer. He had not; never.

Question. You had rendered him no services that you are aware of?

Answer. No specific services that I am aware of.

Question. Has any other person in the employ of government paid you anything this session for your good-will?

Answer. No person ever did it.

Question. How was it about that $200?

Answer. That was connected with a political movement that is going on, and has nothing to do with Congress; this political movement could not have been kept up without money; but that is a matter entirely outside of Congress.

By Mr. ROBINSON:

Question. Do you know Mr. Hay?

Answer. Yes, sir.

Question. Do you know where he is now?

Answer. He was in New York, but I do not know whether he is there now or not; very probably he may be; I presume if he should be addressed at No. 23 Cortland street, New York, he might be found, and would come on if you want him; still, I do not know.

By Mr. WINSLOW:

Question. You state that you were opposed to the passage of the Lecompton bill?

Answer. Yes, sir, with those with whom I was more immediately in communication; when the English bill came up, however, I thought it would be better for all to just take it, as it in effect gave a submission of the constitution.

Question. I did not ask you for your reasons; I only want the facts. I understand from your testimony that you were opposed, originally, to the Lecompton bill?

Answer. Yes, sir.

Question. I understand that afterwards you thought it better, from political motives, that the English bill should pass?

Answer. Yes, sir.

Question. Were you of that opinion when it finally passed?

Answer. In accordance with the wishes of my political friends, I finally went against the whole.

Question. Well, sir, who are those political friends—to what party were you attached?

Answer. I was a straight-out American.

By Mr. OLIN:

Question. At the time the money was handed over, or the notes and obligations equivalent to money, was there anything said about your paying anything to a man by the name of Hay?

Answer. No, sir; I do not think anything was said, except that Mr. Wendell handed it out laughing, and saying, "I do not know as these notes will be worth anything; I do not know as they will ever be paid." There was nothing else passed between us, and we parted.

Question. Did you have no conversation at any time with Mr. Wendell about any money transactions with Hay?

Answer. No, sir; never.

Question. No part of the proceeds went to Hay?

Answer. No, sir.

Question. Where were the notes paid?

Answer. I sent them here to have the money collected, and it was collected.

Question. Who remitted the proceeds to you?

Answer. I got the money there. I sent them through the Mechanics' Bank of the city of Brooklyn; that is, I left them there for collection, and made no inquiry about who paid them; I merely took the proceeds, paying them for making the collection.

No. 1.

THURSDAY, *May* 10, 1860.

CORNELIUS WENDELL recalled.

By the CHAIRMAN:

Question. Can you tell, in looking over your book, the date of the first of the political checks?

Answer. I cannot, indeed; years ago I have been in the habit of contributing.

Question. I mean about this Lecompton matter. The 8th of April is the only one we know of, and probably there were some before and after that. What we want is to get at the political checks of that period; the other checks, of course, we do not want to know anything about. In your testimony you said that you paid thirty or forty thousand dollars in connexion with the passage of the Lecompton or English bill.

Answer. I did not mean to be understood that I had paid so much in connexion with that bill; during the winter I did pay that for services rendered.

Question. We want you to begin with the first payments, and explain them.

Answer. I cannot; they were entered upon my books intentionally in such a way that I am not able to explain them; for instance, I find "paid notes;" now, I would raise money on notes, use it for party purposes, and the notes would go on my book payable at such a date, and they would be paid; I disguised it as much as I could, not only with regard to the parties, but the entire facts. I have a distinct impression that the money I paid for services rendered in the passage of that bill exceeded thirty thousand dollars, but I could not possibly give the details as to how it was paid out.

Question. So far as you know, state to whom you paid money.

Answer. I would respectfully submit to the committee whether it is right to compel me to state every agent I may have engaged in every business transaction, political or otherwise.

Question. I think it certainly is.

Answer. Well, sir, I paid money to Alexander Hay—some conerable amount—how much I could not say; and I also paid money to a Mr. Walker.

By Mr. ROBINSON:

Question. Can you not give your opinion how much you paid them?

Answer. I should not dare to; in fact, I have been connected with Mr. Hay in business, and money transactions to an enormous amount have passed between us, I suppose over a hundred thousand dollars; what portion was paid to him for services in this matter I would not undertake to approximate.

By the CHAIRMAN:

Question. What was Mr. Walker's first name?
Answer. I do not know.
Question. What was his position here?
Answer. He was a reporter for some paper.

By Mr. TRAIN:

Question. Do you mean a man who wears spectacles?
Answer. Yes, sir; he is the man; he is frequently in the reporters' gallery.

By the CHAIRMAN:

Question. Do you know what amount you paid him?

Answer. I do not, indeed; no other individual occurs to me that I can possibly designate as having given money or notes to in relation to this subject; it was a matter that I tried to banish from my mind as soon as possible, and I intentionally disguised my books; there may be checks put down to initials, some of which were used there; there may be money paid within sixty or ninety days on the notes I had discounted for money used in this way; I was using at that time, as my books will show, a heavy amount of money, in sums varying from ten dollars to twenty thousand, and it was a subject the details of which I banished from my mind as soon as possible; but my recol-

lection is distinct that the entire expenses were a little over thirty thousand dollars.

Question. Do you know where Walker lived, where his home was, and whom he was expected to have influence with?

Answer. I cannot state now; he was an active man, I know; I had been acquainted with him for some time before that.

Question. Did you not, in making these payments, always do it in reference to a party having influence with particular members?

Answer. I took men who I thought would have influence. I would not have been likely to give them large amounts of money unless I supposed they would be likely to aid me in the accomplishment of my ends.

Question. What we want to get at is to know what members each one was expected to have influence with.

Answer. I expected them to have influence upon any gentlemen that they were acquainted with, and could persuade. I never had specific arrangements; they were always general. If, in my judgment, they could operate specifically, that was an idea of my own. I do not remember ever making any specific arrangements with regard to a particular vote or a particular member.

Question. Did you not authorize one or both of these men to pay a specific amount for a specific number of votes?

Answer. I do not remember ever doing so. This was a very exciting subject, and I had conversations daily and nightly about it, and entered into it with a good deal of zeal; and I may have said and done things that escape my recollection now. In looking over this book before me, I find payments and names that probably may have been for money used and notes given about that time to gentlemen from whom I was in the habit of borrowing money; but I could not designate one with certainty.

Question. Did you not authorize one of these gentlemen to pay as much as ten, fifteen, or twenty thousand dollars for a vote, to pass the Lecompton bill?

Answer. I do not think I ever did; I have no recollection of any such thing.

Question. You think there was no specific amount agreed to be paid to any one, but your agents were to make the best arrangements they could?

Answer. They worked the best they could to carry the bill; but I am almost positive that I never made any specific arrangement of that kind.

Question. In employing agents—one, I see, in Ohio, another in Pennsylvania, and another somewhere else—did you not have a specific object in view, that each of these agents was to have influence with his particular delegation?

Answer. I might have had that idea in my mind. The idea that I had was that they were men who had influence.

Question. Did not these men tell you whose votes they expected to get, and how much it would cost to get them?

Answer. I could not say. I felt very little interest as to what it

cost then, and I desired not to know whether they expended the money that I gave them or not. I preferred to be in ignorance about it.

Question. Did you not state to these men that if it was necessary a much larger amount could be had—that the bill must be passed?

Answer. I might have said so—any amount in reason.

Question. Did you not authorize one of these gentlemen to pay as much as fifteen thousand dollars for a vote?

Answer. I do not recollect. I think if I had that would have remained distinctly upon my mind.

Question. Have you no recollection of the relative amount paid to either of these men—which of them got most of the money?

Answer. I think that of the two I paid Mr. Hay the most; my impression is that I did; but my political as well as pecuniary transactions with him were so mixed up that I cannot speak with certainty. I was borrowing money from him continually.

By Mr. TRAIN:

Question. Who did you say Mr. Hay was?

Answer. He is a gentleman of New York now, I think. He formerly resided in York.

Question. What was he then?

Answer. I do not know what position he was in.

Question. Had he any connexion with the government?

Answer. I reckon not.

Question. Was he connected with either house of Congress?

Answer. In no official capacity.

Question. Was he brought here for the purpose of aiding in carrying that bill?

Answer. I do not know that he was.

Question. How came you to have money transactions with him in reference to the Lecompton bill?

Answer. I thought he was a suitable agent

Question. Where did you find him?

Answer. I found him here.

Question. You thought he was a suitable person to employ in this matter; why did you think so?

Answer. I took him to be a man of influence.

Question. Influence with whom?

Answer. With members of Congress.

Question. What members of Congress?

Answer. Members of Congress generally. He had a very extensive acquaintance, and had been previously engaged about the House in some capacity, so that his acquaintance with members might give him some influence.

Question. But you had a specific object in employing Mr. Hay, as you had in employing other men.

Answer. I thought he was best adapted for the purpose.

Question. What purpose?

Answer. To aid in carrying the bill.

Question. How could he accomplish that object?

Answer. By his acquaintance with members.

Question. What members?

Answer. Any members that he could have influence with.

Question. Did you have particular members in your mind that you thought he would influence?

Answer. I cannot say. I might have had such an idea.

Question. "Might have" is not answering the question. Did you?

Answer. I think it is very probable that I did.

Question. Do you not know whether you did or not?

Answer. I do not know positively. I wanted him, thinking that he could influence members of Congress from his intimate acquaintance with a large number, and so I engaged him.

Question. You intrusted him with large amounts of money?

Answer. I do not know that I intrusted him with any until the work was done.

Question. At some time, either for the purpose of carrying the bill or to pay him for his exertions, you gave him more than five thousand dollars?

Answer. I think I did—considerably more.

Question. If it was before the bill passed, what was he to do with that money?

Answer. It was not my business to inquire.

Question. But you had an object; you do not trust a man with more than five thousand dollars without some object in view?

Answer. I had an object; I wished to accomplish the passage of the bill.

Question. How did you expect to accomplish the passage of the bill with this money?

Answer. I expected to buy his services.

Question. What did you expect him to do?

Answer. What I expected would not be evidence. I would submit to the committee whether what I expected or surmised would be testimony.

Question. I think you evade the question; I think you have been dodging. I want to know what you expected he was going to do?

Answer. I had no right to suppose that he would use the money to purchase the votes of members.

Question. Then what did you expect he would do?

Answer. I expected he would use his influence with the members that he was intimate with. I did not know but he might use money, but I certainly did not ask him to do so.

Question. Did you not expect that he would expend that money? Did you suppose he was going to pocket all that money himself, or that he was going to expend it in some mode connected with the passage of that bill?

Answer. I might have had an idea that he would expend some of it.

Question. Do not say "might have."

Answer. What can I say? It may have crossed my mind that he would expend some of the money.

Question. Did it not cross your mind?

Answer. I do not know.

Question. Can you swear that it did not?

Answer. I cannot.

Question. Do you mean to swear that you paid individuals five thousand dollars and upwards without having any understanding how that money was to be used?

Answer. Yes, sir; I do. I had no understanding with him.

Question. Was there no understanding or expectation upon your part how it was to be used?

Answer. It might have crossed my mind that he was to use a portion of the money given him. He may have told me, and yet I cannot call the circumstance to mind.

Question. It was not for the purpose of paying him for his services that the whole of that money was given him?

Answer. That was as he saw fit.

Question. What was your own expectation about it?

Answer. It might have crossed my mind, as I said before, that he would use some of it.

Question. Did you not expect that he would expend some portion of it?

Answer. The only answer I have to give to that question is what I have already given.

Question. You avow having paid Mr. Hay ten or fifteen thousand dollars with the understanding or expectation that he was going to keep all that money, and you were simply securing his personal influence to go round and solicit gentlemen to vote one way or the other?

Answer. Yes, sir. Had I known that he would have pocketed every cent of it, I would have given it to him.

Question. If you knew that he could secure the passage of the bill, you mean.

Answer. Yes, sir.

Question. But did you not expect that he would use it without putting it in his own pocket?

Answer. He might have used some of it.

Question. Did he not have to use it in order to carry the bill?

Answer. I do not know.

Question. Do you not know how he applied it?

Answer. No, sir; I do not.

Question. Did you pay this money before the bill passed, or afterwards?

Answer. That I could not say.

Question. What is your recollection about it?

Answer. It is my impression that I gave him a note, and he had it discounted and used a portion of the money during the passage of the bill; that he got the note discounted, kept a portion, and gave me a portion of the proceeds of the note.

Question. Where did he get that note discounted?

Answer. I think it was in the Bank of York.

Question. Where was it paid?

Answer. I think it was paid in the Girard Bank.

Question. Was it not paid in Washington?

Answer. I really cannot tell; I had so many of them travelling round

that I could not trace one of them. It might have been paid in Baltimore.

Question. Are you sure you gave him a note? May it not have been a check that you gave him?

Answer. I do not think I did; I do not find any check of that date which appears to have gone to him. My notes in those days were equivalent to checks. I have an impression that, pending the contest, he raised me five or ten thousand dollars, a portion of which he kept as applicable to his services in regard to the Lecompton bill.

Question. Did you have any settlement with him after the bill had passed?

Answer. Yes, sir; I recollect having a settlement with him, and giving him several notes.

Question. I mean, did you have any settlement with him as your agent in the passage of this bill?

Answer. I think I settled up with him entirely, and gave him notes to the amount of twelve or fourteen thousand dollars; but whether it embraced only the money used on the Lecompton bill, or other money that I had had a part of myself, I could not say, and I do not know that I have any book of reference from which I could tell as to that. I probably could tell the amount for which I gave him notes, a portion of which was money used to carry that bill.

Question. Well, sir, let us have that.

Answer. I have not the book here, but I think I can find a reference to it. If my memory serves me, there were some twelve, fourteen, or sixteen thousand dollars.

By Mr. ROBINSON:

Question. Was that the amount which you gave him for his services?

Answer. I could not tell whether it was entirely for that, or whether I had a part of the money. I would give my notes in continuation of notes; for instance, if notes were coming due I would sometimes give a new note to pay the old one.

By the CHAIRMAN:

Question. When you came to a final settlement, what was the amount that had been appropriated for that particular object?

Answer. I cannot say. I do not feel as if I could approximate to the amount.

By Mr. OLIN:

Question. Was it more or less than fifteen thousand dollars, in your judgment?

Answer. I cannot say.

Question. In making your final settlement with either of these men, did they tell you where they had expended any portion of this money?

Answer. No, sir.

Question. Did you not want to know?

Answer. No, sir; I did not want to know. I never was anxious to trace money.

By Mr. ROBINSON:

Question. Where did they live—in whose district?

Answer. Mr. Hay lived in Dr. Ahl's district.

Question. What members of the Pennsylvania delegation was he most intimate with?

Answer. I could not tell you, really. He appeared to have a long acquaintance with some of them.

Question. Was that money not specifically appropriated for the use and benefit of the Pennsylvania members?

Answer. I cannot say that it was.

Question. Did you expect him to pay any money to others than Pennsylvanians, or was that his field of operations?

Answer. The entire House was his field of operations. Wherever he could use any influence I expected him to do it, and he agreed to do it.

Question. You think you paid Hay more money than you paid this other man, Walker?

Answer. Yes, sir.

Question. Where did Walker live at the time?

Answer. I do not know, indeed; he was a reporter here; I think New York is his place of residence when at home.

Question. I believe you say you have no recollection of paying any money in connexion with the passage of the Lecompton bill, or English bill, except to them and this man Bean?

Answer. They are the only ones that I can call to mind, but I might have paid something to others.

Question. When you gave money to this man Bean, did you do it with the view of his operating upon any particular member of Congress?

Answer. I cannot say that I did. I have a distinct recollection of being informed that he was a very influential man with the Ohio delegation.

Question. Do you recollect in whose district he lived?

Answer. I think I have heard that he lived in Hall's district.

Question. I think you say that you employed Bean upon the recommendation of some other person?

Answer. It must have been, for I had a very slight acquaintance with him, and did not know where he was from.

Question. Was it not Reynolds, of Tennessee, who gave you the information?

Answer. It might have been.

By the CHAIRMAN:

Question. How did you expect to be reimbursed for this enormous expenditure of money?

Answer. Well, sir, I may have expected it from a continuation of the work from government. I had an idea that in going in for it I would be entitled to the favorable consideration of government in matters pertaining to my business. I was, as I have said before, heavily concerned in doing work for the government.

Question. And you thought this would be calculated to continue you in that business?

Answer. Yes, sir; I did have such an idea.

Question. I suppose, of course, that without government patronage you would never have felt interested enough in the passage of the bill to expend that large amount of money on it?

Answer. No, sir; I do not think I should have done it. I probably expected a continuance during this administration.

By Mr. TRAIN:

Question. The amount of it all is, that you swear you expended thirty thousand dollars and upwards upon three men—Bean, Hay, and Walker—to carry this bill, not knowing how that money was to be expended, who they were to influence, or in what manner that money was to be brought to bear to effect the passage of the bill?

Answer. Yes, sir; not knowing or caring how the money was to be expended. I desired, after the money left my hands, not to know anything about it.

By Mr. OLIN:

Question. Had you no idea to what use it was to be put; no conversation as to how it might be used effectually?

Answer. I do not know that I had. I might have had. I have paid larger amounts than that, without asking any questions as to what became of it.

Question. You expected that it would be used in some particular way?

Answer. I expected it would be used to accomplish the end.

Question. You were not intending to go at Congress promiscuously with this sum, I presume; you had some definite idea about the matter?

Answer. I was satisfied that these men had influence in Congress.

Question. On some particular men?

Answer. I did not suppose they could influence every member. Mr. Hay, I knew, had influence with almost every member from his State, Pennsylvania, as well as with members from other States.

Question. You had canvassed the matter, and knew about what number of votes could be secured in addition to those who voluntarily and zealously supported the administration; there were some who were rather lukewarm, and some who were opposed to the bill, who, as you supposed, might be induced to change their course. Was it not talked over and canvassed who was most likely to be influenced?

Answer. Yes, sir; I presume it was.

Question. Then the money was designed for these particular subjects, was it not?

Answer. Very probably it was.

Question. It strikes me that money would hardly have been paid without some definite object or purpose to be accomplished with the money.

Answer. The object was accomplished, and the money was paid.

By Mr. TRAIN:

Question. But the money was paid before the object was accomplished, was it not?

Answer. I think some of it was paid before the bill passed.

By the CHAIRMAN:

Question. You have stated something with regard to another five thousand dollars that was paid to Mr. Bean. Of course it was not for him to keep, but to hand to other persons

Answer. I do not remember that I stated that.

Question. Was not that your understanding—that he was to hand some portion of it to others?

Answer. I think I had the impression that he was to use the money.

Question. Can you not tell where he was to use it?

Answer. There was a conversation about buying a paper opposed to him in his district; but I do not know the details, because, as I say, I studiously desired not to know.

Question. Now, in conversation with Mr. Buchanan relative to the number of votes requisite to pass the Lecompton bill, did you not disagree with regard to the number of votes that it would take—he saying that he would only have to get three, and you expressing the opinion that it would require five, six, or eight?

Answer. I remember, on the passage of the first bill, he thought it would be carried, and I was under the impression that it would be lost, and that we required five or six votes to carry it, as the result proved; but as to the English bill, the committee of conference, &c., I do not remember whether the conversation applied to that or not.

Question. Did you not, for political purposes, within the last three or four years, use a much larger amount of money than you used on previous occasions—some hundred thousand dollars?

Answer. My impression is, that it was about one hundred and twenty-eight or one hundred and thirty thousand dollars.

Question. How much of that money was used to elect Mr. Buchanan?

Answer. I think I expended, in contributions, printing, and in divers and sundry ways, some thirty-seven or thirty-eight thousand dollars.

Question. After Mr. Buchanan was elected, was he not familiar with the enormous expenditure that you had incurred in securing his election?

Answer. He knew that I had been very active and had expended considerable money.

Question. Did he not know the amount?

Answer. I do not remember whether the amount was ever mentioned between us; I could not say.

Question. You and he talked freely about using money?

Answer. We had conversations about the expenses of elections.

Question. Do you think he duly appreciated your services in expending that amount of money?

Answer. Well, sir, I never thought he did.

Question. Did he not latterly rather fall off as regards his friendly feelings toward you?

Answer. I have thought for some eighteen months that he did.

Question. Was his influence not used in your favor, to keep the government patronage in your hands, so as to reimburse you for this large amount of money that you had expended?

Answer. At first it was coming to me, and it continued on until December after his inauguration, when a portion of it was taken from me.

Question. By whose act?

Answer. By the President's.

Question. That was taken from you to divide with other friends of his?

Answer. Yes, sir.

Question. With what officers of the government did you confer most at the time you were making these negotiations to carry the Lecompton bill?

Answer. I could not say who they were; it was a subject of conversation whenever and wherever I met with them.

Question. Had you not frequent conversations with the President at that particular time upon the subject?

Answer. Not more than at any other time, that I am aware of.

Question. You conferred with him relative to the passage of that bill, did you?

Answer. Yes, sir; it was a subject of conversation between us.

Question. He knew at that time that you were expending large amounts of money, did he not?

Answer. I do not know that he did; I could not swear that he knew I was expending large amounts of money.

Question. Did he not know that you were required to expend money at that particular time?

Answer. That I could not say, sir; I do not know whether he did or not.

Question. In giving testimony relative to expenditures of money in the fall of 1858, you have stated before both committees in what particular districts you expended money pretty generally. I wish to ask you whether there were not still some other districts in which you expended money?

Answer. There might have been.

Question. Have you any recollection how much you expended in the Foster district, in Pennsylvania?

Answer. I have not. I do not remember expending a dollar there, and yet I might have done it. I know that my judgment was against it.

Question. Was this sum which appears on your book as having been expended on the 22d of September, 1858, expended in the Foster district, or paid directly to him?

Answer. I never paid it to him; there never was any money transaction between us.

Question. What explanation have you to give of this item of two hundred and fifty dollars paid to Mr. Foster, of Pennsylvania, on the 22d of September, 1858?

Answer. I have none. Whether it means the Foster district or

not, I am not able to say, but I am inclined to think that it does not, from the fact that the word "district" does not occur. The entry is to "Mr. Foster, Pennsylvania;" but who it was I do not know; whether it was a contribution for that district or not, I cannot remember.

Question. Have you not some account at home that would show?

Answer. No, sir; I do not think I have. I remember that I was always opposed to giving money in districts where it would be of no use.

Question. Have you anything to show where this money was paid, or whether it was paid in Philadelphia or not?

Answer. I do not think I have; I might have, by reference to some other book.

Question. Is there any reference to show what day you were in Philadelphia, or whether you met him there?

Answer. No, sir; I do not think there is.

Question. Have you not settled with Witte for a much larger amount expended in that district?

Answer. No, sir, I do not think I have; I do not remember.

Question. Do you remember settling with Witte for any money expended?

Answer. I would generally give him the money and let him expend it.

Question. On one occasion you stated that that morning you had had a question up before you; was it a settlement for money used in that district?

Answer. I never had a settlement for any specific money; we would occasionally balance accounts and see how we stood; and loans of money, exchange of notes, and political money would all come in together.

Question. Is there any other Foster in Pennsylvania that you know of, besides General Foster?

Answer. I do not know any other man of that name that I have ever had transactions with. I will look at that to-day, and see if I can remember anything about it.

Question. Please state, then, if in your power, where you paid this amount to Mr. Foster, whether it was in Philadelphia or not, and whether you sent it in a check, when you examine your accounts.

Answer. I will examine my books, and give the information when I come before the committee again, if I am able to do so.

Question. Have you not had to increase the quantity of money paid to some of these men, after the first opening of negotiations, so that it turned out that it required more than you at first supposed to pass the bill?

Answer. I could not say as to that.

Question. In settling with these men, did they not tell you that they had to expend all or nearly all of that money; that they had not much left out of it? What is your recollection about that?

Answer. I do not know that I could swear to anything about the details.

Question. Is it not your impression that they conveyed to you the

idea that they had to use all or nearly all the money to get the bill through?

Answer. Some of them might, and some might not. The general conversation was as to accomplishing the end.

Question. Can you tell whether there is any entry on the bank books of the 22d of September, 1858?

Answer. (After examining the books.) There is nothing to show to whom I have given it.

By Mr. WINSLOW:

Question. At the time you speak of, when you paid these sums of money to Bean, Hay, and Walker, I think you said you were doing the whole of the printing for the government?

Answer. I think I was.

Question. Can you give me some idea what your income was in your business then?

Answer. I could not. The past two years it has not been so much as it was previously. The profits have been equally as good; but a portion went to Steadman, Harris, Rice, and others.

Question. How large were your profits on that work?

Answer. I think I made over one hundred thousand dollars one year.

Question. Clear profits?

Answer. Yes, sir.

Question. Give me a general idea how it was along during 1857 and 1858?

Answer. I think in 1857 and 1858 my profits were very small.

Question. Your business was extensive?

Answer. Yes, sir; very. I might have made, during those years, forty or fifty thousand dollars. I mean that my profits were small, comparatively, to what they had been previously.

Question. I see that your bank account runs up to $929,000 in about two years. Now, the money that you speak of—was it money of your own, or money of the government?

Answer. It was my own.

Question. I ask you if this money was paid at the instance or request of the government, or any member of it?

Answer. No, sir.

Question. So far as you know, they were totally ignorant of that fact?

Answer. Totally so.

Question. I understand you to say that you never had a conversation with the President advising you to pay money for the passage of bills?

Answer. No, sir; never.

Question. You never approached any member of Congress, directly, to secure his vote?

Answer. No, sir.

Question. And you merely placed money in the hands of these people to be used as they might choose to use it?

Answer. Yes, sir.

Question. I wish to know if you were to be reimbursed by the government in any manner, shape, or form, by contracts or otherwise?

Answer. No, sir; I had no understanding of that sort.

No. 26.

WEDNESDAY, *May* 16, 1860.

ELLIS B. SCHNABEL recalled.

By the CHAIRMAN:

Question. Are you willing now to answer the fifth interrogatory which was formerly put to you in these words: "In case you had such interview, what led to it?"

Answer. In my former examination I declined answering the fifth interrogatory on the sole ground of irrelevancy; but as the objection was raised by myself, and the question yet remains upon the minutes of the committee, I now waive the objection and answer it. The answer is forced from me in self-defence, it being necessary, in part, to expose the base calumnies and false and (as I believe) malicious charges made by Attorney General Black in reference to my previous testimony, the nature and effect of said calumnies and charges having been explained to me since my return from Charleston by the chairman of this committee, Hon. John Covode, and the same, in part, being reiterated by the editor of the "Constitution," G. W. Bowman, in his paper bearing the dates of April 21, 1860, April 28, (morning issue,) April 28, (evening issue,) and May 5, by innuendo referring to me, I have no doubt, but my name being, as I believe, cautiously suppressed. The circumstances which led to the interview between General Bowman, Attorney General Black, and myself, previously referred to, were simply these: I called upon General Bowman, editor of the "Constitution;" my visit was to him; Attorney General Black I did not expect to meet; he was present by accident, as I previously stated; the interview took place in General Bowman's private residence; the object of my visit was, if possible, to put a stop to what I deemed the suicidal and anti-democratic policy of the "Constitution," in constantly publishing laudatory articles on Mr. Buchanan, followed up by unceasing and despotic attacks upon Senator Douglas; and I so stated this object to those gentlemen; I denounced the policy as one calculated to demoralize and defeat the party for years to come, by splitting it, especially in Pennsylvania, into violent and hostile factions, making a reunion and harmony hopeless during the lifetime of its present leaders; and I expressly stated to Messrs. Bowman and Black that I had not done this for the benefit of Senator Douglas, but entirely in behalf of the future interests of the democratic party; believing, as I then told them, that the attacks upon Douglas were doing him no harm, but good rather than otherwise, while the democratic party was infinitely the sufferer by their abominable and, as I believed, vicious and traitorous course. I failed in my mission.

[The remainder of the reply was struck out by the committee on the ground of irrelevancy.]

By Mr. WINSLOW:

Question. What day was this when you were at Mr. Bowman's?

Answer. It was on Thursday or Friday of the week preceding my examination here; it might possibly have been on Saturday, but it was a few days before my examination, at any rate.

Question. Who were present at that interview?

Answer. General George Washington Bowman and Mr. Black; no other persons. There might have been other persons about the house, but the doors, during the heat of the combat, were carefully closed by the general.

Question. What letter did you allude to, from the President of the United States to Governor Walker?

Answer. The letter described in that testimony of the 12th of July, 1857. I was uncertain at the time whether it was the 12th of July or the 12th of August; but that was the letter referred to.

Question. You affirmed the existence of such a letter as you spoke of?

Answer. Yes, sir; and Attorney General Black denied it.

Question. Will you state what you said there were the contents of the letter, as near as you can; the language which you said the letter bore.

Answer. I shall have to give you something again which you will say is irrelevant. I described the letter as a letter pledging the administration to the policy of the submission of the constitution. I further said—which was necessarily no part of my description of the letter in my testimony, because there I was describing the letter itself—I further said, in conclusion, that I believed the administration were pledged to that policy, and I knew of it from the fact that certain witnesses who were present at the time informed me that William Bigler had so pledged it in Kansas, to wit: Isaac E. Eaton, of Kansas, with whom Bigler travelled and slept (so he told me;) Hon. William Montgomery, of Pennsylvania; Mr. Perrin, of New York, who was secretary of state, or in some way connected with Governor Walker, and Robert J. Walker himself. When I said that Bigler took the ground there that it was the policy of the administration to have the constitution submitted, Black denied this; and I contended that it was impossible for Bigler to know the fact, he not being connected with the cabinet, and yet for Judge Black to be ignorant of it. I have since been told that Judge Black stated that I had said that James Buchanan in this letter pledged the power of the administration and of a democratic Congress to have it kicked out of Congress if it was sent here without a submission to the people. This reached me, I think, when I was in Charleston; I cannot now give the name of the author, but it reached me in the shape of a rumor. I have had so many people talking with me that I do not now remember from whom I got it.

Question. Is that all that you affirmed about that letter, that it contained only the President's pledges to Governor Walker that the

policy of the administration should be a submission of the constitution?

Answer. All that I said positively there with regard to the letter is covered in my answer as to its contents, although my answer as to its contents is probably more full than the conversation was, because I had made memoranda of this letter, although I had never had it in my hand.

Question. I wish to know distinctly the whole contents of the letter as you affirmed it to exist—that is to say, whether the letter as described by you was just this letter, pledging to Governor Walker the power of the administration to cause the constitution to be submitted to the people?

Answer. I never said that. I stated expressly that Bigler went to Kansas so pledging the administration, as these witnesses informed me. I stated nothing substantially as to the contents of the letter other than is contained in my former answer given under oath.

Question. You do not understand me. I want to know, as near as you can give us, the contents of the letter from the President to Governor Walker as you stated it there.

Answer. That purports to be my knowledge of the letter. I stated substantially the same as is there contained.

Question. In that testimony you are giving what you recollected the letter to be as Governor Walker showed it to you. That is not what I am asking. I want you to give me, as near as you can, what you stated in the presence of Messrs. Black and Bowman were the contents of the letter.

Answer. It was, that Mr. Buchanan stood pledged to a submission of the constitution as the proper construction of the Kansas-Nebraska bill, and asked Governor Walker to base himself upon that position and it would render him irresistible; that he himself was willing to stand or fall upon submission.

Question. I want to know, in the first place, what the letter contained as you stated it there.

Answer. I have just stated. I further stated that Bigler went to Kansas, as I was informed by these gentlemen whose names I have given, pledging the faith of the administration to that doctrine, urging the submission of the constitution himself; and Mr. Montgomery told me only a few days ago that he perfectly understood Bigler to intimate the idea there that Mr. Buchanan would insist upon such a course as that.

Question. Having stated that fact, do you say that Judge Black denied that any such letter had been written to Governor Walker?

Answer. Yes, sir; he denied it, and defied its production.

Question. That, then, was the real point of issue between you and the Attorney General—you affirming the existence of the letter as you described it, and he denying it?

Answer. No, sir; that was not *the* issue.

Question. Was not that the question between you—you affirming and he denying?

Answer. I affirmed the existence of the letter of the 12th of August (or July) as I have described it, and he denied it.

Question. That raised the issue between you, did it not?

Answer. No, sir; the real issue between us was a very different thing. The issue is not before this committee yet.

Question. But you and Judge Black came to an issue upon this proposition?

Answer. No, sir; we came to an issue on another proposition which this is a part of.

Question. That, I say, was the point of issue on that question between you?

Answer. This question was a secondary one.

Question. I am not talking about primary or secondary; there was an issue upon the existence or non-existence of that letter, was there not?

Answer. The issue was this: He declared if Stephen A. Douglas was nominated by the convention "we go for defeat." I demanded his reasons, and that brought up this letter and the position of the administration and Judge Black.

Question. That has nothing to do with this inquiry. I want you to confine yourself to the question that I ask you. Did you not come to an issue upon the existence or non-existence of that letter?

Answer. Certainly we did.

Question. I will ask you did Judge Black in conversation at all admit the existence of any letter from the President to Governor Walker?

Answer. There was no other letter talked of but this one.

Question. That is not an answer to the question. The question is, whether Judge Black, in that conversation, admitted the existence of any letter written by the President to Governor Walker?

Answer. We spoke of no other letter than this, and he did not admit the existence of this.

Question. I ask you if Judge Black admitted the existence of any letter from the President to Governor Walker?

Answer. There was no other letter talked of but that from Mr. Buchanan to Mr. Walker.

Question. What do you mean by "talked of?"

Answer. No other letter was in issue. I positively assert that.

Question. That is not the point. I ask you if Judge Black admitted the existence of any letter from the President to Governor Walker?

Answer. Not that I remember of.

Question. Then, in that whole conversation there was a denial upon the part of Judge Black, either expressed or implied, of the existence of any letter from the President to Governor Walker?

Answer. I have no remembrance of his speaking of any other letter, either he or any other man in the room.

Question. There was no admission on the part of Judge Black of any letter from the President to Governor Walker in which he discussed the propriety of submitting the constitution of Kansas to the people, and recommending that course, or shaping that as the policy of the administration?

Answer. My answer is this: That no other letter but the letter of the 12th of July was discussed by Attorney General Black and myself.

Question. Or referred to?

Answer. If any other letter was referred to I do not know it, and do not believe there was any reference to any other letter.

Question. I will ask you if Judge Black did not distinctly admit in the course of conversation that he had frequently read a letter from the President to Governor Walker?

Answer. I have already asserted that none other was discussed.

Question. I will ask you whether Judge Black did not admit or assert that he had frequently read a letter from the President to Governor Walker while in Kansas?

Answer. There might have been a great many letters passed between Governor Walker and President Buchanan. I have stated in my former examination that I never knew of but one. I have stated that the Attorney General denied the existence of this letter, and that I could only explain his denial on the ground that he had never heard of it, or that President Buchanan took good care not to confide such secrets to his keeping.

Question. Did you say that, or is that last part merely your mental inference?

Answer. That was the substance of it; it might not be the exact words. I think the words were a little more harsh, if anything.

Question. Did you understand Judge Black as denying that there was a letter from the President, in which he had committed himself in favor of the policy of the submission of the constitution?

Answer. I understood him to deny the existence of the letter of the 12th of July, in which I expressly stated that President Buchanan had pledged himself to the policy of submission.

Question. Did you name the date of the letter?

Answer. I named two dates for the same letter. I was uncertain whether it was dated the 12th of July or the 12th of August, but when I referred to my minutes I found that it was the 12th of July. There was only one letter spoken of, in which the policy of submission was adopted by the President.

Question. And Governor Walker's name was mentioned there?

Answer. Certainly.

Judge BLACK. Do you remember whether I said that there was a letter written by President Buchanan to Governor Walker which I had seen very often, and did you reply to that, "No! the President has no copy of that letter, and you never saw it?"

WITNESS. Do you mean by this letter the letter of the 12th of July?

Judge BLACK. Did any such language as that occur?

WITNESS. I remember no such remark being made by the Attorney General; but I expressly stated, with reference to the letter of the 12th of July, that Governor Walker had informed me that President Buchanan had no copy of it.

Judge BLACK. Did you describe that letter as one which would ruin the character of the President, and disgrace him in public estimation forever, with a threat that it would be brought out by this committee, or anything to that effect—words equivalent to that?

WITNESS. When the Attorney General threatened to put a shirt

upon us from which we could not escape, he also stated that he supposed I was going before the Covode committee——

Judge BLACK. You are sure of that, are you?

WITNESS. Yes, sir; and I replied that the people of Pennsylvania would be the committee that I would appear before—that that letter should be brought to light, and it would appear that in President Buchanan's special message in favor of the Lecompton constitution he had abandoned the position he assumed in the letter of the 12th of July, 1857; and the question would be asked, what reason could have induced him to change front——

Mr. WINSLOW remarked that he could not see that all this had anything to do with the subject.

Judge BLACK. On the whole, you are willing to reaffirm what you said in your former examination?

WITNESS. Wonderful man! That which I have sworn to here is the truth, and I will take all chances upon it with a man like you.

Judge BLACK. Or with any man?

WITNESS. Yes, sir; with any man.

Judge BLACK. You said, as to the fifth interrogatory, that you did not consider it relevant, and therefore declined to answer it?

WITNESS. That is on oath there.

Judge BLACK. To-day you expressed yourself willing to answer it?

WITNESS. Yes, sir.

Judge BLACK. And you did answer it?

WITNESS. No, sir; the committee would not allow me to give my answer.

Mr. ROBINSON objected to the form of examination, considering it improper that the Attorney General should cross-examine the witness. If that privilege was granted in this instance, it ought to be in others.

THURSDAY, *May* 17, 1860.

GEORGE W. BOWMAN recalled.

By Mr. OLIN:

Question. I do not know whether you stated before that you were editor of the "Constitution?"

Answer. Yes, sir; I stated that.

Question. Were you the author of two or three editorial articles contained in these papers, dated April 21, April 28, and May 5, 1860.

Answer. I am responsible for every article which appears in that paper.

Question. I supposed you were responsible in law, as editor of the paper; but I want to know if you were the author of these articles?

Answer. Mr. William M. Browne writes the leading editorials in the paper.

Question. Will you be good enough to look at these, and see whether they are yours or his articles?

Answer. The articles headed "A short lessen for the republicans," in the "Constitution" of May 5; "Facts exposing calumnies," in the paper of April 21; "Newspaper immoralities," in the paper of April 28, and "A herculian labor," in the paper of April 28, were all written by Mr. Ormstead, the news editor on the paper.

Question. How is he employed?

Answer. He is the news editor on the paper, and makes the selections. He wrote those articles, for the reason that Mr. Browne was not at home.

Question. He is connected with the paper?

Answer. Yes, sir, as news editor.

Question. Where does he live?

Answer. He is a young man; I do not think he has a family. He has been with me for some months, but I do not know where he boards.

Question. Do you know his first name?

Answer. I do not remember it now.

Question. Did you see these articles before their publication?

Answer. Yes, sir, and I approved them. We do not flinch from anything we do; we acknowledge all we do on that paper.

Question. Did you refer to any one in particular in that paragraph of the article headed "Newspaper immoralities" in the paper of Saturday evening, April 28, where it is stated that "such has become the recklessness of truth displayed, particularly in political matters, that even perjury before partisan congressional committees is a thing not unheard of," &c.?

Answer. No, sir; it was a general inference drawn from general matters that have occurred in connexion with this committee, from publications made outside, from statements made in the streets, and from newspaper correspondence. There was no personal allusion.

Question. On what authority did you make that statement; what is your evidence for it?

Answer. That is predicated upon the general statement of facts appearing in the public correspondence, and of testimony taken before the committee, that have appeared, immediately after a witness was before them, in the public papers of the country. It was taken from the general impression that there could have been no time to have gone into the facts of the case. If the committee examine a witness to-day, for instance, by to-morrow evening his testimony appears in the New York Herald or the New York Times, and is talked about in the streets generally. There is no other ground for the article than as predicated upon this well known state of facts, that the testimony taken here gets out before the country apparently as soon as it is given here, in part, at least; and upon that general supposition that article was written.

Question. Upon what authority did you base your statement in the article in the paper of May 5, that "no cross-examination of witnesses takes place before this most infamous of tribunals since the Star Chamber was abolished?"

Answer. Upon the general facts before the country as published in the newspapers, which appear to have everything that this committee is doing the day after its proceedings, and perhaps even the very day they occur. That appears from some cause to be the case. We hear

statements on the streets, and see them in the newspapers, as to what the committee is doing. I do not say that they are true, however.

Question. Have you seen this statement in any other paper?

Answer. Yes, sir; I have seen it in letters to other papers.

Question. What paper have you seen it in?

Answer. I cannot state what particular paper I have seen it in. I look over a great variety of papers, without paying any particular attention to the headings, except the editorial articles. I have seen such things stated in many papers in the country, to the best of my belief.

Question. Had you any particular idea of the source from which you derived that impression?

Answer. Not more than what I have stated—from the general newspaper statements of letter-writers.

Question. From what other sources have you gained any information in regard to this matter except the statements in the newspapers?

Answer. I suppose it is known to every gentleman that it is common talk about the streets, in every bar-room, in the halls of Congress, in the passages about the Capitol, and everywhere, what are the doings of this committee, and the criticisms made thereon.

Question. Was there any particular allusion made here to any man when you say that "witnesses are allowed to take their own time to prepare their stories, and if they stumble in the slippery path of perjury they are kindly placed on their feet again, instead of being pinned downed by cross-examination to the penalty of their guilt?" Did you refer to any case in particular?

Answer. No, sir; that was a mere general remark.

Question. Was it not intended as applicable to any particular witness?

Answer. It was not intended for any particular witness. It was intended as a general remark, based upon general impressions, as far as I have been able to get information connected with investigations before this committee.

Question. Will you state a single fact, or name a single person from whom you have got a tittle of information that such is the case?

Answer. I make no personal charge at all.

Question. I do not ask you what the character of the charge is. I ask if you have got any information, a single fact, a single hint, from a single individual, that goes to sustain that charge, or justifies the making of that charge?

Answer. I do not know as I am called upon to answer as to a general fact. I have stated that these articles were drawn from general facts going all over the country, and the statements of newspaper writers.

Question. Now, sir, here is a most base and unfounded charge against this whole committee——

Answer. You have your remedy, sir.

Question. I know that we have our remedy; but I want to know, under the solemnities of your oath, if you can state a single fact that justifies such a charge against this committee?

Answer. I am making no personal allusion in those remarks.

Question. Do you not charge the committee here with aiding men to commit perjury, and giving them facilities to commit perjury?

Answer. You cannot put statements in my mouth.

Question. But that is your own language—that if witnesses "stumbled in the slippery path of perjury they are kindly placed on their feet again."

Answer. I have stated to you that that article is drawn from general impressions, which grew out of conversations, letters in newspapers, &c.; the general conversation that is going on in the city of Washington upon the subject of this committee. That is all I know, and that is all I can state upon the subject.

Question. I ask you to refer to a single newspaper article, or to refer to a single conversation, naming the individual, which at all justifies that article?

Answer. It is a conclusion drawn from general impressions; I have no specific point to make upon the case, but it is a matter drawn solely from general impressions.

Question. In other words, you are willing to publish here a charge little short of charging this committee with perjury, and all the explanation that you can give with reference to it is, that it is derived from general impressions that you have got in the streets?

Answer. I disclaim making any charge against the committee; any personal charge against the committee I entirely disclaim. But I must say that I think it looks a little like a star-chamber investigation, to see the manner in which a man is asked to testify respecting a general article.

Question. You say you intend no personal reflection on the committee when you state that "no cross-examination of witnesses takes place before this *most infamous of tribunals*, since the star-chamber was abolished;" and when you further declare that "witnesses are allowed to *take their own time* to prepare their stories, and if they stumble in the slippery path of perjury, they are *kindly placed on their feet* again, instead of being pinned down by cross-examination to the penalty of their guilt?"

Answer. I drew that from what I believed to be the impression prevailing among the community generally, that this is a star-chamber.

Question. And you think that a man, without any impeachment of his character, can belong to an "infamous tribunal," and can cooperate with witnesses to aid them in committing perjury?

Answer. I am not answering you as a lawyer putting questions, but simply state the fact, that I have made no personal allusions or charges against gentlemen, but have based the article in question upon what seems to be the general impression prevailing among the great body of the community.

Question. And yet you state that you are not able to name a single conversation, or a single fact, that justifies the conclusion to which you have arrived, or even tends to show that such a conclusion is a just one?

Answer. It is a general matter, about which every person talks.

Question. It is quite too general.

Answer. That may be.

Question. I want to get at the detail of some of these generalities?

Answer. You know, in all cases, there is proper redress for all articles that are not based upon truth, and there is a tribunal—not a star-chamber—before which these things may be tried. There is a tribunal where justice is done, and where there are two sides to the interrogatories put to the witnesses.

By Mr. ROBINSON:

Question. Are you not able to state some individual that you have heard make, in substance, this charge which appears in your paper?

Answer. I have heard no individual make it personally against any man.

Question. Or against the committee?

Answer. I have disclaimed, from the beginning, any intention of making any personal reflection upon the committee.

Question. Have you ever heard any single individual—and if you have, state who it is—charge this committee with corruption, with being infamous, and with assisting a witness when he is committing perjury to get out of it?

Answer. I know of no individual case in which the matter has been specifically charged in that way.

Question. Now, sir, have you seen, and are you able to name a single newspaper that has made that charge? If so, name it?

Answer. I think the democratic press nearly all through the country have done so.

Question. Will you name one paper?

Answer. I do not think of any particular article now in any paper.

Question. Can you name one paper that has made that charge?

Answer. I cannot name any just now.

Question. Can you name any letter that has been written by any single individual containing these charges?

Answer. I do not know who write the letters.

Question. Have you seen any letter making such a charge published in any paper?

Answer. I have seen letters to that effect published in some of the papers.

Question. What papers?

Answer. I do not know what papers.

Question. Do you know what date they appeared?

Answer. No, sir, I do not.

Question. Then you are not able to state that you have seen in any particular paper any of these charges made against the committee?

Answer. I think I have seen in nearly every democratic paper I have exchanged with the substance of what is stated there.

Question. Will you state one of them?

Answer. I cannot do it now. I pick up my exchanges, look over the editorial articles, and throw them one side; but as a general thing I think nearly the entire democratic press of the country make the same statements.

Question. Can you not name one of them?

Answer. No, sir, I cannot.

Question. It is most extraordinary, if so many make these statements, that you cannot name some one paper.

Answer. Well, sir, I cannot.

Question. You spoke of street conversations; do you go around the streets talking with gentlemen about these things?

Answer. No, sir.

Question. How do you get this information upon the streets?

Answer. You cannot pass any corner, or talk with any gentlemen upon the streets, that this subject is not brought up.

Question. Will you name some of these gentlemen?

Answer. I cannot name them.

Question. Whom do you associate with?

Answer. I associate with gentlemen.

Question. I presume so, sir; but I thought if I could get the names of some of your political associates I could ascertain where these reports came from.

Answer. I associate with gentlemen of all parties; and I have heard these conversations as a general thing in the hotels and about the Capitol.

Question. Just state some of these gentlemen who make these statements—give us their names.

Answer. I cannot give you their names. I do not bring any particular charge against any one; but these articles were written upon the general principles involved in a star-chamber inquisition, as it is called by the democratic press of the whole country.

Question. What tribunal is it that you refer to?

Answer. I am not referring to any particular tribunal; but that word is frequently used.

Question. Do you know what it refers to?

Answer. It refers to a one-sided committee, taking testimony upon only one side of a question.

Question. You think the word star-chamber means a one-sided committee, do you?

Answer. It means about that and not much else.

Question. A man writing about a thing ought to know what it means, ought he not?

Answer. I think it means what I have stated, as connected with the investigations before this committee.

Question. Then you have made these charges, as I understand it, upon the statements that you have heard upon the streets, in bar rooms, and from what you have seen in your exchanges?

Answer. Yes, sir. Those articles were written from what seemed to be public opinion upon this subject generally.

Question. You are not able to give us any particular item which makes up this public opinion?

Answer. I do not think it is at all necessary.

Question. I am asking you a question, and not arguing the case with you.

Answer. I am disposed to answer every question you may ask.

Question. I ask you if you have written this article upon general

statements, without being able to give one single item of information to sustain them?

Answer. I presume if I had time to make an examination I could find these newspaper articles to which I refer.

Question. Can you not give any information now on the matter?

Answer. No, sir; but if I had time to take up the testimony and refer to it, I could point you to a number of cases in which that inconsistency appears. I cannot do it now.

Question. That is upon the general supposition that everybody is corrupt, whereas the reverse of that has always been held to be the case.

Answer. I presume that this committee act upon the supposition that everybody connected with the administration is corrupt, at any rate.

Question. Whom have the committee attacked?

Answer. I think the head of the nation has been attacked in every way that a man could be attacked, as a corrupt man.

Question. By this committee?

Answer. Yes, sir.

Question. Just state how the head of this government has been attacked by this committee. State one fact, or one instance in which it has been attacked?

Answer. I think this question has been so fully argued by gentlemen before your own body, that it is unnecessary for me to answer the question.

By Mr. OLIN:

Question. Upon your own statements and admissions here, you are willing to charge upon this committee what you think a very grievous offence that other papers should charge the administration with upon abundance of rumors in this city, abundance of letter writing, and abundance of newspaper editorials; you think that a serious inconvenience, while at the same time you are writing down here in this scurrilous sheet the grossest of all libels on this committee and the witnesses who testify before it.

Answer. I take what I deem to be the substantial facts of the case, without making any personal allusions.

Question. That is ridiculous nonsense, that you can assail a man's character and accuse him of doing the most infamous acts, and then say that there is nothing personal in it.

Answer. I submit to the chairman of the committee whether this is a proper way to conduct the investigation. Instead of asking questions the committee are undertaking to argue the case.

The CHAIRMAN. There are serious charges there, and it is due to the committee that we should have some explanation of them.

By Mr. OLIN:

Question. Can you name one living man who is under the impression that witnesses have not been cross-examined here, and that they have been prompted to perjure themselves; can you state any facts or circumstances from which you derived that information?

Answer. I have not got the testimony before me, and I certainly

cannot go back and remember what has been said during this long sitting; but if I only had the testimony before me, I could point out, as I believe, evidence of what I have said, and if I had the testimony before me, it is equally probable that I could answer you very explicitly, and tell you exactly upon what I have founded that opinion. But I cannot do this unless I have the testimony to refer to, and I cannot refer to the facts that have made that impression on my mind now.

Question. Would it necessarily appear, on reading the testimony, whether the witnesses were cross-examined or gave their evidence on a direct examination? Do you know whether it would or not?

Answer. So far as that is concerned, it is a question that I could answer by looking at the testimony, so as to know whether it had been a one-sided case or not; whether, if there had been other testimony brought in, it might not have rebutted that which was introduced, and whether testimony going to implicate a man in high position is given to the world without rebutting evidence or not.

By the CHAIRMAN:

Question. Do you not know that the administration has one of the sharpest of all its friends in Congress to cross-examine witnesses here?

Answer. No, sir; I do not know the fact.

Question. Do you not know that Governor Winslow is a member of this committee?

Answer. I know he is, but he is not here this morning. It seems singular that a one-sided committee should interrogate witnesses, and no man here to ask questions upon the other side.

By Mr. ROBINSON:

Question. What do you mean by a one-sided committee?

Answer. I simply mean this: that it seems to be customary, in the formation of investigating committees, no matter which party is assailed, that one of the opposite party ought to be present to ask questions, and thus elicit facts that are forbidden to the witness to volunteer; his hands are tied up, when there is no political friend on the other side to ask questions. There may be things that his committee man might wish to ask that might prevent a great deal of outside inquiry that appears to be altogether foreign to the investigation before the committee, which is to ascertain whether the government has corruptly used money for corrupt purposes, and not what a man's opinion is with reference to an article that he writes for a public newspaper.

Question. How long have you been a democrat?

Answer. As long as I can remember.

Question. So have I, and I suppose I am about as good a democrat as you are. Although I have never got anything from the public crib, yet I think I would defend democratic principles about as quick as you would.

[Some discussion followed respecting northern and southern democrats.]

By the CHAIRMAN:

Question. In those articles in your paper with reference to some of the testimony that has been taken here, was it not to Mr. Schnabel that you alluded when you spoke of perjury?

Answer. No, sir.

Question. Was it not with regard to his testimony?

Answer. No, sir; there was no personal application. The article was written by a gentleman who is almost a stranger in the city. After he wrote it I took it up and read it. It certainly was not written with the intention to apply to any particular individual, but as a general remark.

Question. This article was written about the time or just after Mr. Schnabel and Governor Walker had given testimony here. Now, had it not special reference to their testimony?

Answer. No, sir.

Question. You did not mean to discredit it—the testimony of either of those gentlemen?

Answer. No, sir; it was a general newspaper article, and I paid no more attention to it than merely to read it over and lay it down, and it was put in type. It was a general article, upon a general subject.

Question. You say, then, that you did not mean it to apply to either of these witnesses?

Answer. I did not mean it to apply to any individual. That article was written, and I did not even give it consideration about any individual at all, but looked upon it as relating to a general subject.

Question. Is it not singular that such severe articles should be written immediately after testimony had been given here by those two individuals, if no reference was made to them in particular? Is it not your impression that it was intended to apply to them?

Answer. No, sir; my impression is that there was no intention to apply it to either of them.

No. 61.

TUESDAY, *May* 22, 1860.

EDWIN G. DILL called and sworn.

By Mr. ROBINSON:

Question. Where do you reside?

Answer. In Washington city.

Question. Where were you residing during the spring, summer, and fall of 1857?

Answer. That was immediately after the Presidential campaign; I was residing in Washington city at that time.

Question. In what were you engaged during the summer and fall of 1857?

Answer. I was connected with the Washington Union; I held a subordinate position upon that paper.

Question. Do you know anything about where the Lecompton constitution was prepared?

Answer. I do not.

Question. Do you know Henry L. Martin?

Answer. I have met him; I am not very well acquainted with him.

Question. Do you recollect of his going to Kansas?

Answer. Yes, sir.

Question. Have you any means of knowing what his business out there was—what he went out there for?

Answer. No, sir; I have not.

Question. Did you ever have a conversation with him about what he went there for?

Answer. I had no conversation with him as to what he went there for; I had a conversation with him after he returned from Kansas; but he did not allude to the action of the convention any more than to state what the constitution was that it had adopted.

Question. As I understand you to say, you know nothing about where that constitution was got up?

Answer. I do not.

Question. You do not know from observation, or from what you have heard any party say who was connected with it?

Answer. Observation would, of course, be what I know myself.

Question. I mean what you have seen?

Answer. I have seen nothing myself.

Question. Have you ever heard any person say?

Mr. WINSLOW. That is a pretty general question.

By Mr ROBINSON:

Question. Have you heard any person say that they were connected with getting up that constitution here?

Answer. No, sir; I have never heard any person say they were connected with the getting up of that constitution.

Question. Do you know anything, of your own knowledge, about the constitution, or the manner of its submission being got up here?

Answer. I know nothing of my own knowledge whatever in regard to its getting up.

Question. Do you know anything of the plan of submission; the manner of submission originating here?

Answer. All I do know is from conversation.

Question. With whom was that conversation?

Answer. Perhaps I ought not to state that.

Question. I want you to state that very thing.

Answer. I regarded it as a private conversation at the time.

Mr. ROBINSON. I do not think a witness has a right to decline to answer a question for the reason that it relates to private conversation.

Mr. TRAIN. I think the witness is bound to give the name of the party with whom he had the conversation, as well as the conversation.

The CHAIRMAN. I think the question is a proper one.

Mr. ROBINSON. I will waive that question for the present.

Question (to witness.) What was that conversation, and where was it held, and under what circumstances? State all about it.

Answer. The conversation was substantially this—it is a long time since I had it: it was to the effect that the Lecompton constitution, not the constitution itself, but the slavery clause, would be submitted to the people of Kansas for their action?

Question. Where was that conversation held?

Answer. Even that is in some manner confidential and private.

Question. State the place where it was held?

Answer. It was not held in any house or building; I was on my way at the time to the Navy Department, and I met the gentleman with whom I held that conversation just at the gate, passing from the Treasury Department, going on through by the White House.

Question. What time was that?

Answer. I could not state the time, but it was after the Lecompton convention had adjourned to meet at another period.

Question. After the first meeting and before the second meeting of the convention?

Answer. Yes, sir; the information was given to me that I might make use of it in a newspaper correspondence.

Question. Now, I will ask you with whom that conversation was held?

Answer. Well, I consider that a very private matter.

Question. That is true; and you might feel yourself disgraced if you told it in ordinary conversation; but when you are called upon to testify under oath you have no right to keep that to yourself.

Answer. I do not feel that I have any right to give the name of a gentleman who gives me a piece of information; that was merely the extent of the matter.

By Mr. WINSLOW:

Question. Will you report what he said?

Answer. He merely told me that the slavery clause of the constitution would be submitted to the people of Kansas; that was the thing I wished to know; I wished to know in regard to the action of that convention, what it would be.

By Mr. ROBINSON:

Question. He said that the whole constitution would not be submitted?

Answer. Yes, sir; that a majority of the convention had agreed to that.

By Mr. WINSLOW:

Question. That they had agreed to that?

Answer. Well, that it had been talked over there with a number of gentlemen.

[Mr. OLIN here entered the committee room.]

By Mr. TRAIN:

Question. Who was the conversation with?

Mr. WINSLOW. I do not think the witness is bound to answer that question.

The WITNESS. I prefer not to give his name; not without conferring with the gentleman.

Mr. WINSLOW held that there was nothing in the resolutions authorizing the appointment of the committee which justified an examination of this subject.

The other members of the committee held that the investigation was legitimate, and the particular inquiry a proper one.

Mr. ROBINSON said he was willing to allow the witness until to-morrow morning before pressing the question.

By Mr. OLIN:

Question. Do you want time to reflect upon it, or consider upon it?

Answer. No, sir, not at all; for my mind is made up fully upon that point. But I will see the gentleman in the meantime, and if he has no objection to my making public his name I will do so.

By Mr. ROBINSON:

Question. Was the manner of submitting the constitution stated to you then, just as it was finally submitted—the particulars gone into in that conversation?

Answer. I believe that in the main it was the same.

The witness was here directed to leave the committee room for a few moments.

The committee then had a consultation in regard to insisting upon an answer from the witness as to the name of the person with whom he had held the conversation referred to in his testimony.

The witness was then recalled and directed to appear again before the committee to-morrow morning, at 10 o'clock, prepared to give an answer to the question.

WEDNESDAY, *May* 23, 1860.

EDWIN G. DILL recalled.

By Mr. ROBINSON:

Question. I suppose that we have nothing more to ask you than whether you are ready to answer the question we asked you yesterday, as to the name of the person with whom you had the conversation about the course to be pursued by the convention at Lecompton.

Answer. [The witness here read the following:] "In reply to the question put to me yesterday, having the consent of the gentleman referred to, I will now answer it satisfactorily. Learning that Senator Bigler had returned from a visit to Kansas, and having been requested by the editors of the Pennsylvanian, whose correspondent I then was, to see him, I did so, when he told me, as nearly as I can now recollect, that the slavery clause, alone, of the Lecompton constitution would, in all probability, be submitted to the people of Kansas for their action. He also said that he thought it was the best the convention could do, as the slavery question was the only one upon

which the people were divided. This information I made use of in a letter which was published in the Pennsylvanian the next morning."

Question. Do you recollect at what particular time you had that conversation with Senator Bigler?

Answer. Indeed, I cannot fix the time exactly. It was after his return from Kansas; after his visit there.

Question. Between the time of the adjournment of the convention and its next meeting?

Answer. Yes, sir; it was during hot weather, I know.

By Mr. WINSLOW:

Question. You said yesterday that it was during the recess of the convention.

Answer. Yes, sir; it was during the recess.

By Mr. ROBINSON:

Question. If you come across the article in the Pennsylvanian that you wrote at that time you will please give it to some one of this committee, or let our clerk have it?

Answer. Yes, sir; I will do so.

No. 1.

WEDNESDAY, *May* 23, 1860.

CORNELIUS WENDELL recalled.

By the CHAIRMAN:

Question. I believe that you stated in your former testimony that during the pendency of the Lecompton or English bill, you had very frequent conversations with the President and the members of the cabinet, and that they did not give you any express or positive directions relative to using money to carry that bill; was not the impression made on your mind in those interviews, from all that took place between you and them, that if you did use your money you would be cared for and reimbursed in government patronage; was not that impression made upon your mind from all the interviews between the President, members of the cabinet, and yourself?

Answer. Yes, sir. The general idea left on my mind from those conversations was, that if I exerted myself in favor of the passage of that bill I would be justified and sustained in anything I did and would be cared for. I was under the impression that I would be properly considered thenceforward during the term of the administration.

Question. Would you have used any considerable amount of money in that way on your own account without any expectation of reimbursement?

Answer. Well, sir, after I had got into it I would not have hesitated at any expenditure I could have commanded to have carried it.

By Mr. WINSLOW:

Question. I will read to you some questions I put to you on a former occasion with your answers to them, and then ask you if you stand by those answers now?

"Question. I see that your bank account runs up to $929,000 in about two years. Now, the money that you speak of, was it money of your own or money of the government?

"Answer. It was my own.

"Question. I ask you if this money was paid at the instance or request of the government or any member of it?

"Answer. No, sir.

"Question. So far as you know they were totally ignorant of that fact?

"Answer. Totally so.

"Question. I understand you to say that you never had a conversation with the President advising you to pay money for the passage of bills?

"Answer. No, sir; never.

"Question. You never approached any member of Congress directly to secure his vote?

"Answer. No, sir.

"Question. And you merely placed money in the hands of those people to be used as they might choose to use it?

"Answer. Yes, sir.

"Question. I wish to know if you were to be reimbursed by government in any manner, shape, or form, by contracts or otherwise?

"Answer. No, sir; I had no understanding of that sort."

Question. Do you stand by those answers now.

Answer. Yes, sir.

Question. On the same day the chairman asked you some questions and you returned answers as follows:

"Question. How did you expect to be reimbursed for this enormous expenditure of money?

"Answer. Well, sir, I may have expected it from a continuation of the work from government; I had an idea that in going in for it I would be entitled to the favorable consideration of government, in matters pertaining to my business; I was, as I said before, heavily concerned in doing work for the government.

"Question. And you thought this would be calculated to continue you in that business?

"Answer. Yes, sir; I did have such an idea.

"Question. I suppose, of course, that without government patronage you would never have felt interested enough in the passage of the bill to expend that large amount of money on it?

"Answer. No, sir; I do not think I should have done it, I probably expected a continuance during this administration."

On a former occasion I asked you the following questions to which you returned the following answers:

"Question. Was there any understanding, directly or indirectly, secret or otherwise, between you and the administration that you

should be rewarded in any way, shape, or form for what you were doing for the Lecompton bill?

"Answer No, sir.

"Question. I understand that your only expectation was what every partisan expects for fidelity to his party?

"Answer. That was all. I was an active and enthusiastic man, and went further, perhaps, than I ought. I will state here that this was not in reference to the Lecompton bill proper that was defeated."

Question. Do you still hold to the answers there given?

Answer. I do. The committee will understand that I do not admit that there is any contradiction there.

By the CHAIRMAN:

Question. You say that impressions were made upon your mind that induced you to make these expenditures, you expecting to be rewarded. And upon former occasions you have said that you could understand without being told directly what was meant. Now what we want is that you should put yourself correctly upon the record, and state what was said to justify you in these expectations.

Answer. I do not know as I can do so more than I have. There was a deep solicitude evinced to have the bill passed. In the conversations that I held the subject was thoroughly discussed; and every measure that it was supposed could have any effect upon it, upon the procuring of votes, was considered. Although there was no direct positive understanding about it, no one said, "Wendell, you spend a thousand or ten thousand dollars and we will reimburse you"—nothing of that kind, yet the impression conveyed to my mind was that the measure was one in which the administration was very much interested, and if I assisted in its passage I would be considered.

By Mr. WINSLOW:

Question. That is, that you would be in a good position in the party?

Answer. Yes, sir.

Question. Not that the administration would reimburse you for money expended?

Answer. No, sir.

Question. But that you would occupy a good position in the party, and would be entitled to consideration from the party?

Answer. Yes, sir; Mr. Buchanan did not know that I was raising money—that is, he did not know I gave A. B. $500, and C. D. $5,000 for the bill.

Question. You was to aid the administration to carry a bill that you thought would be beneficial to the party?

Answer. Yes, sir.

Question. And you acted as a partisan in regard to that measure?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Did none of the administration know that you were using money for that purpose?

Answer. I cannot say that they did.

Question. Was nothing said about its being expensive—about its taking a great deal of money?

Answer. I cannot say that there was

Question. Have you told the committee all that you know in connexion with this matter that it is important for them to know?

Answer. I think I have. I do not know anything more; nothing more occurs to me now.

By Mr. TRAIN:

Question. Did you give F. W. Walker $2,500 for any purpose in the spring of 1858?

Answer. I have no record showing the exact amount I gave him. It is only from his own testimony that I know that is the amount. I gave him money and acceptances or notes, but the exact amount I could not swear to.

Question. For what purpose was that given to him?

Answer. The impression that I had when I gave it to him was that it was for services about the Lecompton bill.

Question. What sort of services? Specify the kind of service.

Answer. I cannot say; arguments, perhaps. I think I gave it to him at the instigation of Mr. Hay, if my memory serves me right. If I am clear about it, I paid it to him at the instigation of Mr. Hay—whether to be appropriated to his own use, or to be given to some one else, I could not say.

Question. Were there any particular parties you knew of who were to be reached by Walker?

Answer. Do you mean any particular members of Congress?

Answer. Yes, sir.

Answer. No, sir; I do not know of any particular parties.

Question. Do you know what influences he was to bring to bear in consideration of that amount of money?

Answer. I do not. As I said before, it was at the instigation and request of Mr. Hay that I paid him the money. I had not much conversation with him in relation to it.

Question. Mr. Alexander Hay?

Answer. Yes, sir.

Question. Was this payment made before or after the passage of the bill?

Answer. After, I think.

Question. Without the knowledge of some service performed on his part would you have paid him $2,500?

Answer. At the instigation of Mr, Hay, yes, sir.

Question. Then you relied upon Mr. Hay?

Answer. Yes, sir.

Question. You have testified to having given Mr. Bean $5,000 and Mr. Walker $2,500; did the residue of the $30,000 you spent upon that bill go into the hands of Mr. Hay?

Answer. I think it did. I am not clear but there might have been a little paid to other parties; but I think the rest went into his hands, or through his hands, almost entirely.

Question. Before or after the passage of the bill?

Answer. That I cannot say. I recollect, in settling up expenses, of giving him some notes, the memorandum of which notes I have; but it is so intentionally mystified upon my books that I could not pick out the items; but the impression is clear upon my mind that I spent some $30,000 for that specific purpose. A portion of these notes I think I gave to Walker at Hay's instigation, but whether both Hay and Walker were present at the time or not I do not remember. Whether I put the notes directly into Walker's hands or gave them to Hay, and he handed them to Walker in my presence, I do not remember. The notes were met at maturity, I know.

By the CHAIRMAN:

Question. I noticed the other day on the book you had here a great many erasures and alterations; I want to inquire whether those were made intentionally, for the purpose of suppressing evidence?

Answer. No, sir; not to my knowledge.

Question. Why were they made?

Answer. I do not know; I did not make them; they were made by my bookkeeper.

Question. I noticed in one case that there was paid to S. "Union" —— so many dollars; whatever had been written after "Union" was carefully scratched out; do you know what that was done for?

Answer. I do not. After I noticed them here I asked my bookkeeper, and he said it was not matters pertaining to political expenses at all; they were alterations made by him; I was not cognisant of them at all until I saw them in the book here.

No. 71.

FRIDAY, *May* 25, 1860.

DAVID WEBSTER called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Philadelphia.

Question. What have you been engaged in for the last few years?

Answer. I am a praticing attorney, and latterly have been engaged as one of the commissioners of the State of Pennsylvania to revise the penal code of the State.

Question. Have you not received a letter from Judge Black holding out some inducement to Colonel Forney if he would change his course and support the administration?

Answer. No, sir; I never received any such letter.

Question. Had you conversations with Judge Black on the subject of Colonel Forney's course?

Answer. In consequence of a letter I received from Judge Black I came to Washington in December, 1857, and had an interview with him here in reference to Colonel Forney.

Question. What took place at that interview, and what was the result of it?

Answer. A conversation took place between us, but I regard it in

the light of a confidential communication, and would not like voluntarily to speak of it. I understand that Judge Black is absent from the city; otherwise I should have called upon him and endeavored to obtain his consent to my disclosing fully what passed. And I may remark that I do not think there was anything in that conversation that he would object to have stated.

Question. To what did the letter refer that you received from Judge Black before you had that interview with him?

Answer. I wrote to Judge Black making inquiries as to whether there had been any arrangement made for giving out the printing of the post office blanks, and suggested that it was highly desirable that Colonel Forney should receive that patronage from the government.

By Mr. ROBINSON:

Question. When did you write that letter to the Attorney General?

Answer. I can only tell from the date of his reply, which was in December, 1857; it was about that time. His letter, in reply to mine, invited me to come to Washington, saying that no arrangement directly or indirectly had been made upon that subject. I have his letter in my pocket, and have no objection to reading that at all.

By the CHAIRMAN:

Question. Read the letter for our information.

The letter was then read, as follows:

"DECEMBER 18, 1857.

"MY DEAR SIR: There is no definite (nor indefinite) arrangement made of the affair to which you refer. If you desire to do our highly valued and gifted friend a great service you should come here immediately. I have long desired to see you. Please to come. If you won't come, say so by telegraph. Yours ever,

"J. S. BLACK.

"D. WEBSTER, Esq., *Philadelphia.*"

Question. You came on after receiving that letter.

Answer. Yes, sir; I did.

Question. What conversation had you with Judge Black in regard to that matter of printing patronage?

Answer. I was a mutual friend of both parties, and I regarded that interview as confidential, and would not like voluntarily to disclose that conversation. I have reflected upon it, and thought that I would appeal to the committee not to press the matter. I understand that Judge Black is absent now in the interior of Pennsylvania.

By Mr. WINSLOW:

Question. Do you know when he will be here?

Answer. No, sir; I do not.

By Mr. TRAIN:

Question. Were you authorized to make the proposition to Colonel Forney that he should have the printing upon the condition that his paper should support the policy of the administration?

Answer. To answer that question would involve the disclosure of a conversation which I have said I regard as confidential.

Question. I ask you that question to aid my judgment in coming to a conclusion as to whether we should insist upon your giving the conversation.

Answer. My answer to that question would, probably, involve my stating the whole conversation with Judge Black, which I have said I regard as confidential.

Mr. WINSLOW: I move that the witness have the further time that he asks to enable him to see Judge Black.

The witness was requested to leave the committee room for a few moments, which he did.

The committee had some conversation in regard to insisting upon an answer from the witness, but without coming to a conclusion.

Mr. ROBINSON suggested that it might be as well to allow the witness until to-morrow morning to reflect further upon whether he would answer the question before seeing Judge Black.

The witness was then recalled, and his examination resumed, as follows:

By the CHAIRMAN:

Question. Are you as ready to answer now as you would be to-morrow morning, in the event of Judge Black not being back here then?

Answer. I should have the same opinion of the matter then as now.

By Mr. TRAIN:

Question. Do you not leave Judge Black in a worse position from your testimony as it now stands than you would to give the conversation fully?

Answer. I think not.

Question. Did you carry any communication to Mr. Forney after this interview with Judge Black?

Answer. I did.

Question. What was that communication?

Answer. I must respectfully decline to state what it was, for the reasons I have already given. If the precedent had been set here of compelling witnesses to disclose private and confidential communications I would not insist upon my refusal. But, so far as I am informed, every witness who has based his refusal upon these grounds has been excused.

The CHAIRMAN. There has been nothing of that kind here.

Mr. TRAIN. We have excused no one on those grounds.

The WITNESS. That is the impression I have received from what I have seen in the papers.

By Mr. ROBINSON:

Question. You say you did carry a communication to Colonel Forney from Judge Black?

Answer. I did.

Question. Was that in accordance with the request of Judge Black?

Answer. Distinctly so.

Question. And you made known to Colonel Forney the wishes of Judge Black?

Answer. I did.

By the CHAIRMAN:

Question. What did Colonel Forney say in reply to this proposition of Judge Black?

Answer. To answer that question would oblige me, in justice to both parties, to state all that passed between us, which would fall within the category of my former objection.

By Mr. TRAIN:

Question. I suppose that, with Colonel F rney's consent, you would have no objection to state it?

Answer. With Judge Black's consent.

Question. I refer now to your interview with Colonel Forney, not your interview with Judge Black.

Answer. I would not like to give this matter piecemeal.

By Mr. OLIN:

Question. You say that you could not state your interview with Colonel Forney without giving in substance your interview with Judge Black?

Answer. Yes, sir.

Mr. OLIN. I would say, then, that we ought to have this testimony; I do not see why we should not; the witness is certainly misled as to the course this committee has pursued about private conversations. We do not intend, as a general rule, to inquire into people's private affairs so long as they keep them unmixed with the administration of public affairs; but, when they are mixed up with public affairs, we hold that private affairs must give way.

The WITNESS. That I confess is the general rule.

Mr. ROBINSON. The witness, as a lawyer, is aware that his objection would not hold good in a court of justice.

Mr. WINSLOW. I think the witness ought to have time to see Judge Black.

Mr. TRAIN. I think the witness ought to be required to answer now.

Mr. OLIN. I think the inquiry is pertinent.

Mr. WINSLOW. The witness will certainly have time to see Judge Black before this committee conclude their labors.

Mr. OLIN. There is no propriety at all where witnesses are called upon such subjects in allowing them to be together and consult. The policy of the law is generally to keep them apart.

Mr. WINSLOW. That is by special rule, I believe; the general rule is the other way.

Mr. OLIN. I do not put it upon the ground that there would be any impropriety in this witness conversing with Judge Black if he was here; but I put it upon the ground that the inquiry is pertinent, that the witness can tell the truth, and that we should require him to answer now.

The CHAIRMAN. The question before the committee is upon the motion of Mr. Winslow to allow the witness time to see Judge Black.

Mr. WINSLOW. I ask the yeas and nays upon my motion.
The yeas and nays being taken resulted as follows:
Yeas—Messrs. Winslow and Robinson—2.
Nays—The Chairman, Messrs. Olin and Train—3.
Accordingly the motion to allow the witness further time was not agreed to.

The CHAIRMAN. [To witness.] The committee, as you perceive, insist upon your giving an answer to the question now.

The WITNESS. The committee insist upon the question being answered?

Mr. OLIN. In the event of your refusing to answer the only course left to the committee will be to take the matter to the House.

The question was repeated to the witness as follows:

Question. What was the result of your interview with Judge Black? What was your conversation with him?

Answer. As the committee insists upon it I will answer. Colonel Forney started his paper in August, 1857, and sustained the policy of this administration down to the time the difficulties arose in Kansas about the Oxford and McGee frauds, when he took sides with Governor Walker upon that subject. That was the occasion of the first difference between him and the administration and its supporters in Philadelphia. His paper was very decided and emphatic upon that subject, and it occasioned a great deal of alarm as to the result it would produce if persevered in; that it was likely to create a difficulty between him and the administration, and lead him into the support of opposition measures. Down to that period Colonel Forney had received no patronage from the government, except occasional advertising from some of the departments, but myself and others, being warm personal friends of Colonel Forney, exerted ourselves to the utmost to put his paper upon a solid and prosperous footing. Of my own accord I wrote to Judge Black, making inquiry respecting the distribution of the printing of the post office blanks, and asked that it might be given to Colonel Forney. As I before stated, his letter in reply to mine invited me to Washington to hold an interview with him. I came on here and we had a long conversation upon the subject. He stated to me that it was evident that Colonel Forney's course would ultimately land him with the opposition unless it was stopped, and predicted that his bones would whiten on the shore of black republicanism along with the bones of Wilmot. He was very desirous, indeed, that Colonel Forney should give some pledge in his newspaper that he meant to remain with the democratic party. He said he wanted a paragraph no larger than the palm of my hand, in which Colonel Forney should simply say that while this question had arisen, and was a serious one, it was one, nevertheless, to be settled within the democratic organization; that it was a fair subject for difference, but not for opposition; and he would abide by the decision of the democratic party upon that subject as soon as that decision might become known. I asked him, "What then?" Well, he said, he was disposed then to do whatever was in his power in aid of Colonel Forney's paper. I asked, what about the post office blanks? He said that Colonel Forney, with this assurance, could

have the printing of them. This contract was valued by Colonel Forney's friends at about $80,000. I asked Judge Black what portion of the printing of the post office blanks would be given to him. He said the whole of it. I then remarked, "Well, now, are you able, in case this thing is accomplished, to fulfill what you promise? Will there be no disappointment about it?" He gave me to understand that he, of course, would not hold such a conversation with me without it was in his power to fulfill all he did promise.

His views and mine upon the subject agreed exactly. I agreed that it was just such a question as he described it to be, a difference within the party.

By Mr. ROBINSON:

Question. That a man could hold either side of the question and still be a democrat?

Answer. Yes, sir. I telegraphed from Washington to Colonel Forney in Philadelphia that I had a proposition that I thought he could honestly accept. I returned to Philadelphia and communicated to Colonel Forney the result of my interview with Judge Black, and advised him to come out with such a pledge.

By the CHAIRMAN:

Question. State where you and Colonel Forney met.

Answer. He met me at the depot in Philadelphia, and I communicated this to him first on my way up to my house in my carriage, and afterwards more fully at my residence. Mr. Henry S. Magraw was present at our interview. Colonel Forney indignantly refused to comply with Judge Black's wishes, and was very emphatic in expressing his refusal; I cannot remember his precise language now, but I know this, that he directed me to write to Judge Black that if a life spent in the service of the democratic party, and in the advocacy of Mr. Buchanan to public office, was not a sufficient pledge of his continued adherence to the democratic organization and its principles, then he had lived in vain; and that was the only answer he had to make to him. I wrote to Judge Black accordingly; but added, on my own responsibility, that I would advise, notwithstanding Colonel Forney's refusal, that the administration should give him the printing of the post office blanks, believing that the possession of such a prize would lead to the very result that the administration was desirous of accomplishing; that it was a thing that would work out its own good. I never received any answer to my letter. Colonel Forney persevered in his opposition to the Lecompton policy of the administration, until finally the friends of the administration in Philadelphia withdrew their support from his paper.

Question. Do you know of any other proposition made to Colonel Forney?

Answer. Colonel Forney once read to me a correspondence between himself and Mr. Buchanan.

Question. What proposition was contained in that?

Answer. Mr. Buchanan offered him for the last time the Liverpool consulate; I mentioned what the salary would be, and that it would

afford him a handsome support; and if my memory serves me right added that other means of remuneration would likewise be obtained; but what the character of those means was to have been I have now forgotten.

Question. Did it say that it would be raised up to a certain amount?

Answer. My impression now is that there was an estimate made of what his income would be if he went out there.

Question. Did he not say he would make it equal to $25,000 a year?

Answer. That I do not recollect.

Question. It stated that there would be other sources of income besides the consulate alone?

Answer. Yes, sir.

By Mr. ROBINSON:

Question. What was the date of this letter?

Answer. It was just before Colonel Forney started his newspaper.

Question. Before he had any difference with the administration?

Answer. Yes, sir; I regarded it as a very affectionate letter from Mr. Buchanan to Colonel Forney.

By Mr. WINSLOW:

Question. Can you not recollect if there was not something said about his correspondence with newspapers, and that in that way his income could be made up to a large amount?

Answer. Yes, sir; you are right.

Question. Have you ever communicated this interview between Judge Black and yourself to anybody but Mr. Forney, or otherwise than in confidence?

Answer. I communicated it to Mr. Forney on my return to Philadelphia, in the presence of Mr. Henry S. Magraw, and latterly, having seen a statement in the papers that Mr. Baker, the collector of our port, had testified before the Senate committee that Colonel Forney's opposition to the administration was because of his not getting the printing of the post office blanks, I said that I knew that was not so, but that his opposition was in despite of that.

Question. I mean this interview with Judge Black.

Answer. I did speak of it to Colonel Forney's friends, and I suppose he has spoken of it himself.

No. 78.

WEDNESDAY, *May* 30, 1860.

HENRY WILSON called and examined.

By the CHAIRMAN:

Question. General, where do you reside?

Answer. I reside at Boston; that is my present place of residence.

Question. Were you a clerk under Mr. Allen, Clerk of the last House of Representatives?

Answer. I was reader to the House of the last Congress.

Question. Have you any knowledge of any money or moneys being distributed among the clerks of the last House, for the purpose of getting the votes of members in the House, on the Lecompton or English bill, or any other legislation?

Answer. I have no personal knowledge of anything of that kind. I have the knowledge that your committee has brought forth, but no knowledge of my own, sir.

Question. Did any one approach you upon the subject?

Answer. They did not, sir.

Question. With money, I mean?

Answer. No, sir; they left me out of their calculations.

Question. Was it you that was sent to Mobile by the administration, in reference to the expedition said to be fitting out there, by Walker and others, against Nicaragua?

Answer. I was the person.

Question. Have you your commission with you, or the credentials under which you acted?

Answer. I have it in my possession, but it is not in this city; it is at home.

Question. What course did you pursue, and with whom did you communicate, upon your arrival at Mobile?

Answer. I communicated with the collector of the port, the district attorney, and his assistant.

Question. Was the administration in earnest in trying to stop the proceedings of the expedition to Nicaragua?

Answer. They so told me before I left the city.

Question. Were your instructions secret and confidential?

Answer. They were.

Question. Did you make a report of your mission to government upon your return?

Answer. I made a report to the Attorney General.

Question. Have you a copy of that report?

Answer. I have a copy of it, but not with me. There is a copy on file.

Question. What department paid your expenses?

Answer. The Attorney General's department. In this connexion, if the committee will permit me, I will state one or two other facts in order to set myself right before the people. It was stated in the "Mobile Register" that I was an abolitionist. I desire to deny that "soft impeachment." They also stated in the south that I was there under an assumed name, which is also false. The register on the books of the Battle House will show that I was there under my own name, prosecuting this business for the government. It was also stated that I was mobbed by the people of Mobile, and was compelled to leave the city. Such is not the fact. I left at noonday on Saturday; and that evening, at six o'clock, many gentlemen came to the Battle House to request me to leave the city.

Question. General, did any person, connected officially with the

administration, approach you upon the subject of the votes of any member of Congress, in connexion with the Lecompton or English bill?

Answer. I was approached by a very high officer of the government. I acknowledge that fact, but I object to answering as to the persons.

[The question being pressed, the witness continued:]

It was a confidential communication by the Postmaster General, through me, to a member of Congress. The Postmaster General is now deceased.

Question. Is the member of Congress deceased?

Answer. He is not, sir.

The CHAIRMAN. I think myself that the committee will be entitled to have the communication. It comes within the scope of our inquiry, clearly.

By Mr. WINSLOW:

Question. You say this was a communication to a member of Congress?

Answer. Yes, sir; and from the Postmaster General.

By the CHAIRMAN:

Question. Please to state what that communication was?

The WITNESS. Do you insist upon an answer to the question?

The CHAIRMAN. I certainly would, for my part. I have no knowledge of what it is.

Mr. WINSLOW. Nor I either.

By the CHAIRMAN:

Question. Was it a written or a verbal communication?

Answer. It was verbal, sir.

Question. Please to state what it was?

Answer. On the Tuesday or Wednesday—I am not certain which day—previous to the vote upon the English bill, which I think was on Friday, I was in this city on business connected with the post office at Columbus, Ohio. Colonel Medary was the postmaster there, and I was the chief clerk; indeed, I had the sole charge of the business of the office. Governor Brown wished me to call upon the member of Congress from my district, Mr. Cox, and say to him that he would be very glad if he would vote for the English bill; he told me to press it upon him, and desired me to say further to him, that if he did vote for the English bill he would be received into high favor with the Post Office Department, and by-gones would be by-gones.

Question. Proceed, if you please. What else occurred?

Answer. He desired me further to say to him, if I could not get any positive answer from him, that it was the request of the Postmaster General that he should call upon him.

Question. How did you communicate this to Mr. Cox?

Answer. I called upon Mr. Cox at his place of residence—I think it was at the Washington House, on the Avenue—and told him what had been said by the Postmaster General. That is the sum and substance of the conversation.

Question. What was his reply to it?

Answer. Mr. Cox said that he had not then made up his mind upon the subject, but he would make up his mind, and no doubt it would be all right. That was all he said. I got no satisfaction from Mr. Cox. Mr. Cox and myself were not on the best of terms, growing out of the removal of Mr. Cox's friend, Mr. Miller, from the post office, and the putting in as postmaster of my father-in-law.

Question. Mr. Cox did not give you any promise or positive assurance how he would vote?

Answer. He gave me no satisfaction upon the subject.

By Mr. ROBINSON:

Question. Had you any further communication with the Postmaster General after seeing Mr. Cox?

Answer. I reported the conversation to the Postmaster General.

By the CHAIRMAN:

Question. How did Mr. Cox stand in his district with the administration; was his election depending on his support of the English bill?

Answer. It was, most clearly; there were a large number of administration democrats in that district, and there are a great many there yet—administration democrats.

Question. Were you in any other position under government after you resigned your position as reader, except that commission to Mobile?

Answer. I was chief clerk of the post office at Columbus, Ohio, having charge of the post office because Colonel Medary was not there.

Question. Were you in the confidence of the administration wholly at that time?

Answer. I presume so; I know nothing to the contrary.

Question. Have you ever spoken of this message of the Postmaster General through you to Mr. Cox?

Answer. I spoke of it to some of Mr. Cox's friends, in Columbus, during the lifetime of Governor Brown.

Question. Did the administration advise its friends in Mr. Cox's district to vote for him in consequence of his support of the English bill?

By Mr. WINSLOW:

Question. Before answering that question, let me ask you, do you know whether the administration gave any advice at all upon the subject?

Answer. After the vote upon the English bill, Governor Brown was very anxious that Mr. Cox should be returned, and made a very special point with me to settle all our differences and go in for it. I told him that I was a good-enough democrat to vote for the nominee of the party at all times.

By the CHAIRMAN:

Question. Is there anything more in connexion with this subject that you know that would be proper for this committee to have?

Answer. I am ready to answer any questions you have to ask.

The CHAIRMAN. You will bear in mind that when that question is

put it covers the whole ground, and we do not need to ask every question in detail. We want all that you know upon the subject.

By Mr. ROBINSON:

Question. Do you know of any proposition being made by any member of the administration to any other member of Congress in reference to this matter?

Answer. I do not, sir.

Question. Is there any other circumstance connected with this member that would be proper for this committee to know that you have a personal knowledge of?

Answer. Nothing that I have a personal knowledge of.

By Mr. WINSLOW:

Question. What did you say was the occasion of the misunderstanding between you and Mr. Cox?

Answer. Mr. Cox was very much chagrined at the administration, and everybody connected with the Post Office Department, in consequence of the removal of his friend, Thomas Miller, from the post-office at Columbus. Thomas Miller was removed by the President, to my personal knowledge, because of Mr. Cox's course towards the administration, and Colonel Medary was appointed.

Question. When was that; can you fix the time?

Answer. I think it has been over a year. It was just after you went into your new room. I do not remember the time exactly; but it was during the last Congress; and when Colonel Medary was nominated as governor of Kansas Mr. Miller was reinstated.

Question. Is Colonel Medary your father-in-law?

Answer. Yes, sir.

Question. Do you know of any corrupt use of money by the administration to carry the Lecompton bill?

Answer. I do not, sir.

Answer. In any shape or form?

Answer. I do not.

Question. Directly or indirectly.

Answer. I do not know anything of the kind, except as you have elicited things here.

By Mr. ROBINSON:

Question. Do you know whether the Postmaster General and Mr. Cox ever had a meeting after you communicated with Mr. Cox by the request of the Postmaster General in relation to this vote?

The WITNESS. Well, sir, what space of time does that take up?

Mr. ROBINSON. Before the casting of the vote?

Answer. That I do not know. I know that he was very intimate, after that vote, with the Post Office Department.

THURSDAY, *May* 31, 1860.

SAMUEL S. COX called and sworn at his own request.

The testimony of Henry Wilson, taken on yesterday, was shown to Mr. Cox, after which he submitted to the committee the following statement in writing:

"In order to repel the groundless insinuation contained in certain questions and answers in the testimony of Henry Wilson and M. P. Bean, I state, first, that I never had any communication or conversation with Mr. Bean or anybody for him, or for Mr. Wendell, or anybody for him, in relation to the English bill or my vote for it. No one ever dared to approach me with any monetary or other corrupt appliance to secure my support for either the Lecompton or English bill, unless the conversation with Mr. Wilson and Judge Jackson, member of Congress from Georgia, hereinafter referred to, may be tortured into such an approach. I never had any knowledge of any money being used for the passage of those bills until it was revealed by recent publications. As to Mr. Wilson's statement, it is true I was not on very good terms with him, as he says, when he called on me, stating that Governor Brown was anxious to have me vote for the bill, and that I should be reinstated in favor at that department. I was nettled and indignant, first at his presumption in interfering in such a business, which I regarded as in my own proper sphere. I did tell Mr. Wilson I had not fully made up my mind, but my inclination was to vote for the conference bill. I had when he called had a conference with Governor Walker, and was inclined to think as the bill then was that I could sustain it. I believe I gave Governor Walker to understand that and Judge Douglas also, with whom I conferred daily. I had, just before Mr. Wilson called, been examining the bill carefully and with my first speech against Lecompton before me to see if I could not justify my vote for it by the reasons of my first speech. I was satisfied I could. But I treated Mr. Wilson without much courtesy, I fear, as I was vexed at his interference. The only other approach to me was by Judge Jackson, of Georgia, who wished me to have a talk with Governor Cobb. I do not think it was at Governor Cobb's request. Judge Jackson and myself were very intimate, on the same committee in the House, and he thought Governor Cobb could show me that I could act with the rest of my party and justify my action. I said to the judge that I was personally friendly with Governor Cobb, but that I would prefer not to see or talk with any member of the administration, (as I did not,) as I wanted not only to be clear in my conduct, but to be above any suspicion. Judge Jackson said I acted right. I said to him that it was from no personal discourtesy to his brother-in-law, Governor Cobb, that I refused to see him, but I had my own course here to pursue and I must protect myself against any seeming influences from the administration. Judge Jackson will confirm this statement. I never had any such influence brought to bear upon me in any of these votes. I had a talk with the President long after the English bill was passed. It was the only talk

I had had with him him since his special message—to the effect that I wanted to be in the position of neither asking for nor receiving any favors. Such a position was necessary to my self-protection at home. The President cordially concurred in my view of the matter. The reappointment of my friend, Mr. Miller, to the Columbus post office was in the fall, I think, of November, 1858, some eight months after the English bill, and after my election. It was never understood, or agreed, or implied in any way conceivable, that I should receive any such or any other appointment when I voted for the English bill. I did not ask for the removal of Governor Medary from the post office. Governor Denver and Mr. Craig, of Missouri, spoke to me about it, and wished to know whether I would not urge it. I said "I did not know whether my interference would be grateful to Governor Medary. He might think I was inimical to him and wanted him out of the post office. When Governor Medary was appointed to Kansas there was a vacancy. I had been endorsed by the democracy of my district and claimed the right to name my friend, who was removed, as I believed, on my account. The President was not disposed to object. Mr. Wilson, the witness, was a candidate for it, and I think was vexed at my pertinacity for my friend, Mr. Miller. He was the acting postmaster at Columbus during my campaign. I do not think he aided me any; I am not aware that he opposed me. My campaign was made on the ground that the English bill killed Lecompton, which it did, in my opinion."

By Mr. WINSLOW:

Question. Do you know the date of Governor Medary's appointment as governor of Kansas?

Answer. It was the last of November, 1858, I think. It was just before Congress met, and I was here ready to take my seat. I think I came on here the week before Congress met.

Question. Do you know of any corrupt influences used by the administration to secure the passage of the Lecompton bill?

Answer. I do not.

By the CHAIRMAN:

Question. Did the admistration aid you in your election after your vote for the English bill? That is, had you the influence of the administration during that canvass?

Answer. I am not aware of any influence being exerted for my election by the administration. I believe I had the good will of Governor Brown, and I think of the President. But I do not think they ever aided me in any way at all. I know that some of their supporters voted against me.

Question. Do you know of any proposition being made by any parties relative to the "Ohio Statesman" getting a portion of the printing of the post office blanks, so called?

Answer. When was that?

Question. During the pendency of the Lecompton or English bill, or afterwards?

Answer. No, sir; I never heard of these post office blanks until some

time in the fall of 1858, after my election. I did hear something of it then, but I understood that the contract was disposed of to some Philadelphia people. The "Statesman" never got any of it. I do not think that the proprietors of the "Statesman" ever asked for or expected any.

No. 78.

THURSDAY, *May* 31, 1860.

HENRY WILSON recalled.

By the CHAIRMAN:

Question. Was there any other request that Postmaster General Brown made for you to attend to, in connexion with the English bill?

Answer. I was not requested to see any other member of Congress. I do not know whether I stated in my testimony that Governor Brown desired me to ask Mr. Cox to see Mr. Lawrence, a member of Congress from Ohio, and state to him the purport of my message. Whether Mr. Cox saw Mr. Lawrence or not I do not know.

Question. Did you make the request known to Mr. Cox?

Answer. I did.

No. 84.

FRIDAY, *June* 1, 1860.

BENJAMIN ANDREWS called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Cleveland, Ohio.

Question. Was you a candidate for the post office at Cleveland, in 1858?

Answer. I was, sir.

Question. What time did you come here with your papers upon that occasion?

Answer. I was here in the first place at the inauguration, in 1857, with other candidates.

Question. What time did you come on with your endorsements and papers?

Answer. I came on at that time.

Question. I mean when you came on to remain here?

Answer. I remained some length of time—probably a month—at that time.

Question. What time did you come back in the spring of 1858?

Answer. It strikes me that it was about the middle of March.

Question. How long did you remain that time?

Answer. I remained until about the close of the session of Congress.

Question. Had you frequent conversations with Gov. Brown, or he with you, relative to the passage of the Lecompton or English bill?

Answer. I should like to go on and make a statement of the facts as they exist; perhaps it would be better to elucidate the truth.

Question. Just take your own way, and state it in as condensed a form as you can.

Answer. I came here and found an indisposition upon the part of the government here to make any appointments at all in Ohio, during the pendency of this question before Congress.

By Mr. WINSLOW:

Question. How do you know that, sir?

Answer. I learned that from Mr. Brown himself.

Question. Did Mr. Brown so state to you?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Go on and state your interviews with him, and anything that was said.

Answer. I had been one of the applicants for that office, and I was desirous of advancing my own interest in getting the appointment, and also securing the appointment of several other individuals from that neighborhood.

By Mr. WINSLOW:

Question. Have you stated when that was?

Answer. This was the second time I came here. I was anxious myself that the matter should be disposed of in Congress, finding that to be the case, that the appointments would not be made until that was done. I was not only in favor of the passage of the English bill myself but I was desirous of returning to Cleveland as soon as possible.

By the CHAIRMAN:

Question. Had you not also been in favor of the passage of the Lecompton bill?

Answer. I was, sir. I was not only in favor of the original bill, but the English bill. The Postmaster General asked me if I was acquainted with the members from Ohio. I told him that I was acquainted with a few of them. He remarked to me that the public business was very much delayed, and nothing would be done, and if I had any influence with the members of the Ohio delegation he hoped I would use it to secure the passage of the English bill. I think I had had some conversation with two or three members from Ohio previous to that time. I believe I remarked to Mr. Hall—who had voted against the Lecompton bill, I believe—that I hoped, if he could consistently with his view of propriety, he would vote for the English bill. I mentioned to him that he was aware of the fact that I was an applicant for the office of postmaster at Cleveland, that there was nothing to be done in the way of appointments in Ohio until after that question was settled, and I was anxious on my own account, from personal reasons as well as public considerations, that the matter should be disposed of as soon as possible. I had been here some length of time, and

was anxious to return to Cleveland. When I mentioned the subject of the post office to him, with a view of obtaining his influence, he remarked to me that he wished to be very civil to all the applicants from Cleveland, but preferred not to say anything upon the subject until this question was disposed of. That is the substance of my conversation with Mr. Hall. I also spoke with Mr. Lawrence upon the subject. Mr. Lawrence, I believe, had also opposed the passage of the Lecompton bill, and I said I hoped he would vote for the English bill. He said he would take the subject into consideration. There were two or three applicants for the office of physician to the Marine Hospital, at Cleveland—Dr. Robert S. Strong, Dr. Mathivet, and Dr. Hall. Dr. Strong was my first choice for the office of physician to the hospital. I called upon the Secretary of the Treasury two or three times, but he seemed to be so engrossed with business that I was unable to have an interview with him. Not being able to obtain an interview with Secretary Cobb, I sought to effect the object by securing the influence of other individuals; and in the course of conversation one day at the Post Office Department, I asked Gov. Brown if he would aid me in procuring the appointment of Dr. Strong, and if he could not get Dr. Strong appointed, Dr. Hall would be acceptable to the national democrats of the city. The Postmaster General remarked to me that he presumed there would be no difficulty at the proper time. Nothing was done further about it. Dr. Todd, who was then in office, (a brother of Gov. Todd, of Ohio,) who had been out of practice some thirty years, probably, and gave a great deal of dissatisfaction to the inmates of the hospital and the citizens there——

Mr. WINSLOW. That is not pertinent to the inquiry. I wish you would make your statement as condensed as you can, for our time is very limited.

The WITNESS. I would remark that there was no change made. Dr. Todd died some time afterwards, and Dr. Strong was appointed. That is about the sum and substance of all that I know respecting that matter.

By the CHAIRMAN:

Question. Had you very frequent interviews with Governor Brown upon the subject?

Answer. I had frequent interviews in relation to my appointment as postmaster; but that was the only interview that I had in relation to any other appointment.

Question. Relative to these other friends whom you wanted to get appointed?

Answer. Yes, sir; that is the only time I spoke with him upon the subject.

Question. Do you know of any reason being assigned why Judge Hall did not get his brother appointed?

Answer. I do not, sir; I think it necessary to state here that the conversation which I had with Governor Brown I did not communicate to Mr. Hall. Mr. Hall was not appointed; I believe I stated that before; I do not know that Governor Brown ever called upon Mr. Cobb to use any influence; and I should not have called upon

Governor Brown to have an interview with Mr. Cobb had I had an opportunity of seeing him myself.

Question. When this committee was appointed did you inquire of any of your friends whether you would have to give any cabinet secrets that you had in your possession?

Answer. I do not know that I did

Question. Did you not state to a friend at that time that if summoned before this committee you would be obliged to tell what Governor Brown said to you?

Mr. WINSLOW remarked that the question was an improper one unless the name of the person was given; it was the right of the witness to have the name stated.

By the CHAIRMAN:

Question. Do you know anything about a certain member of Congress in Ohio having judgments against his property that were paid off about this time, or very soon after it?

Answer. I do not, sir.

Question. Has not some person stated this to you very lately?

Mr. WINSLOW. I object to that question.

The CHAIRMAN. I will put the question in a different form. Were you not informed from Judge Hall's neighborhood very lately that there were judgments against his property that were paid off at this particular time?

Mr. WINSLOW. I make the same objection to that.

The CHAIRMAN. I will not press the question.

The WITNESS. There were two democratic members of Congress from northern Ohio; the others were of the opposition. I believe Mr. Burns did vote for the Lecompton bill. Mr. Hall voted against the Lecompton bill, but finally voted for the English bill. I was anxious to get the influence of those gentlemen for my own purposes, and I should like to have them stand fair with the administration.

By Mr. TRAIN:

Question. Have you stated all that Governor Brown said to you in reference to using your influence with these members?

Answer. I believe so; I do not recollect anything else.

Question. The amount of it was, if I understand it, that Governor Brown wanted you to exert what influence you had upon those gentlemen to induce them to vote for the English bill, and said the appointments would be withheld until after that matter was disposed of?

Answer. No, sir.

Question. How was it then?

Answer. On the first interview which I had with Governor Brown he stated that there would be no appointments made in Ohio at that time, or until these matters were disposed of.

Question. And he afterwards wanted your aid?

Answer. Nothing was said upon that occasion; at a subsequent interview he spoke to me about using what influence I could.

Question. Do you know anything about money being used to procure the passage of the English bill?

Answer. I do not, sir.
Question. Were you afterwards appointed postmaster?
Answer. I was not?
Question. Who was?
Answer. Mr. Harrington. I had a petition signed by 2,300 people recommending me for the appointment.
Question. Was Mr. Harrington here at the same time?
Answer. Mr. Harrington was here a very short time previous to my coming on; I think I must have passed him on the way coming.

By the CHAIRMAN:

Question. Do you know a man by the name of George Quimby, a banker, in Bucyrus, Ohio?
Answer. No, sir, I am not acquainted with him; the name is familiar to me.

By Mr. TRAIN:

Question. Is there any such man in Bucyrus?
Answer. I cannot say, sir.
Question. Are you acquainted there?
Answer. Very little.

By Mr. WINSLOW:

Question. Is the Postmaster General dead?
Answer. I believe he is.
Question. Do you know how you came to be summoned as a witness here?
Answer. I do not know, sir, indeed.
Question. You did not volunteer to come?
Answer. I did not, sir.
Question. Do you know of any corrupt influence at all being brought to bear by government upon anybody to pass the Lecompton bill or the English bill?
Answer. I do not, sir.

By the CHAIRMAN:

Question. You are a warm and decided friend of Mr. Buchanan's?
Answer. I have been friendly to the administration, but I have not approved of all his policy.
Question. You approved the Lecompton bill?
Answer. Yes sir; and the English bill, and the measures of the administration generally. I am not in favor of some of his appointments, however; he has kept in too many Douglas men.
Mr. ROBINSON. That is the first time I have ever heard that objection made.

No. 86.

SATURDAY, *June* 2, 1860.

CHARLES B. FLOOD called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside in Cleveland, Ohio.

Question. What are you engaged in?

Answer. I am editor of the "Daily National Democrat" at Cleveland.

Question. Who are the principal owners of that paper?

Answer. It is owned by an association of gentlemen in Cleveland.

Question. Give the names of the principal owners?

Answer. The principal names, as I understand them, are Benjamin Harrington, ——

The CHAIRMAN. Give them, if you know them; you say you "understand them"—we want what you know, and not what you understand.

The WITNESS. I could not say that I positively know any of them to be owners of the paper; but the understanding at the office is that the paper is owned by an association, composed of certain persons.

Question. Well, proceed and give their names.

Answer. Benjamin Harrington, Harvey Rice, Matthew Johnson, and others, of whom I am not certain.

Question. What is Mr. Harrington engaged in?

Answer. He is the postmaster at Cleveland.

Question. What is Mr. Rice engaged in?

Answer. He is a private citizen.

Question. And the other one you mentioned, Mr. Johnson, who is he?

Answer. He is the marshal of the northern district of Ohio.

Question. When was that paper established?

Answer. The first number was issued on the third day of January, 1859.

Question. What was that paper established for, to your knowledge?

Answer. At the commencement of the session of Congress, the first under this administration, attacks were made upon the administration and those who defended them, by the friends of Mr. Douglas. The postmaster, J. W. Gray, editor of the "Cleveland Plain Dealer," was removed from the office of postmaster for cause ——

Question. Do you know what cause?

Answer. The cause, as I understood it ——

Mr. WINSLOW. Do not state it unless you know, sir.

The WITNESS. It was for causes involving his moral honesty; and immediately commenced an attack upon the friends of the administration, and all who would not go for Mr. Douglas. To defend the administration and the democrats of that region, I was invited to take charge of a new paper to be established there, and did so.

Question. Had you any subscription list there to justify you in starting a new paper there?

Answer. The weekly subscription list of that paper last fall was larger than that of any other paper in Ohio.

Question. Can you tell where the money came from to start that paper and keep it going?

Answer. The money comes from the advertisements and the subscription list; and during the first year the deficiency was made up by the owners.

Question. Do you know where the money came from which was originally invested in starting the paper?

Answer. I do not know certainly; it came, as I understood, from the gentlemen who composed the association.

Question. Do you not know that a portion of that money came indirectly from the government?

Answer. I know that it did not, neither indirectly nor directly. The only money received from the government for that paper was for advertising.

Question. What did that amount to?

Answer. It amounted, for seventeen months, to the sum of $382 61. The paper, as I stated, was started on the 3d of January, 1859; and this account runs up from the 12th of February, 1859, to the 9th of May, 1860, taking each particular item for advertising; and that was at reduced rates.

Question. Did you not indirectly receive your pay, as editor of that paper, from the government; or a portion of it?

Answer. Neither directly nor indirectly have I ever received one cent from this administration. I get my pay from the counting-room of the office.

Question. Have you any position as clerk in one of the departments?

Answer. No, sir; I never held any such position.

Question. Is not one of your youngest children holding such a position, in the name of a clerk?

Answer. My daughter has a position as clerk in the Cleveland post office, which she has held for some five months, at a salary of five hundred dollars a year.

Question. What service does she render; or does she render any?

Answer. She renders very hard service, so much so that each alternate month her sister has to help her with it. It is a distributing office; and her duty is to make out, each alternate month, the abstracts of the way bills—I am not certain that I know the right name, but if you are acquainted with the post office, you can set me right—these abstracts of the way bills which are sent to Washington; and columns of figures have to be added up.

Question. Where is that done; at the post office?

Answer. It is done at my house.

Question. Does she ever do any business in the post office?

Answer. No, sir; there are two ladies who perform the duty. It was heretofore performed by one, but it was found utterly impossible for one clerk to get through with it, and some five months ago an application was made for an assistant clerk, and the reason was specified.

The work was looked over, and I understand that the department authorized them to appoint another clerk; and my daughter received the appointment, without my knowing anything about it.

Question. Is there any probability that your daughter would have got that appointment had it not been in consequence of your connexion with that paper?

Answer. My daughter would not have been at Cleveland had it not been for my connexion with that paper.

Question. Was it not understood that it was to be a sinecure for you?

Answer. It was not, sir; she performs hard service for the salary which she gets.

Question. That is ten dollars a week, is it not?

Answer. It is five hundred dollars a year. She performs harder service than nine-tenths of the clerks in Washington perform for fourteen, sixteen, or eighteen hundred dollars a year.

The CHAIRMAN. That has nothing to do with it.

The WITNESS. I think it has; I was mentioning that to show a comparison between the service she performs and that performed by other clerks under the government.

The CHAIRMAN. We cannot very well make a comparison between the salaries here in Washington and those in Cleveland. Do you know any girls in Cleveland who get one-fifth the same amount that is paid to clerks in Washington?

Answer. The other lady who performs service there gets six hundred dollars a year for the same service for which my daughter gets five hundred.

Question. What is her connexion with you?

Answer. Nothing whatever; she is a widow lady.

By Mr. WINSLOW:

Question. Do you wish to say anything more in vindication of yourself?

Answer. I should like very much to state the nature of my connexion with the paper.

Question. Just state your connexion, generally, with the paper.

Answer. The connexion I have with the paper is as its political editor, untrammelled by any one. I have the sole charge of its political character, and all that goes into it.

Question. I understand you to say that the paper has received no support from the government, either directly or indirectly, except advertisements?

Answer. The only money paid is this amount, which I have mentioned. There is one advertisement which has not been paid for in addition to that amount of $382 61.

Question. Do you know of any support being brought to the paper, by forced loans or contributions from route agents, clerks, or others?

Answer. That charge has been frequently made; but that charge is utterly and wholly destitute of foundation in truth.

Question. Either directly or indirectly?

Answer. Either directly or indirectly, to the best of my knowledge and belief.

Question. Have you not in your testimony stated that the marshal

of the northern district of Ohio and the postmaster of Cleveland had to make up the deficiency, if there was any deficiency, in the first year?

Answer. They had, out of their private fortune. They are owners of the paper, and expect to make money by it. I would like to add, that, although an administration paper, it has not on all occasions supported the administration, but has two or three times attacked it on account of the retention of Douglas democrats in a large majority of the offices in Ohio.

By the CHAIRMAN:

Question. Do you know how you came to be summoned here?

Answer. I was summoned on Monday evening last by a gentleman who was introduced to me as Mr. Wells, one of the Sergeants-at-arms of the House of Representatives.

Question. Who introduced you to Mr. Wells?

Answer. Robert Paine.

Question. Who is Robert Paine?

Answer. He is a delegate to the Chicago convention from the Cleveland district.

Question. Did Robert Paine tell you that he would get your expenses paid to Washington, or something of that kind?

Answer. I never had a word with Robert Paine upon the subject of coming here.

Question. Did you volunteer any statement to the man who subpœnaed you, or tell him you had some important information, or anything of the kind, that induced him to subpœna you?

Answer. Probably the second word that the man said to me was that he had a subpœna for me. I was suprised, and asked him "what for?" He said it was to appear and testify before this committee. My reply was that I was devilish glad of it, for I wanted to put right some things that have been said.

Question. Did you not get Mr. Paine to tell him something that induced him to subpœna you?

Answer. No, sir; Mr. Paine, from the manner in which he acted, seemed to suppose that I would put myself out of the way of a subpœna.

Question. I ask you the plain question, did not you get Mr. Paine in some way to have you subpœnaed?

Answer. I did not, nor did I get any other gentleman nor man; in no shape, form, or manner, directly or indirectly, did I procure myself to be summoned. There was no conversation that could have led to my being brought here. The chairman of this committee yesterday told me that he had information about my testimony.

The CHAIRMAN. Yes, sir, I had; but it was since you came here.

Mr. WINSLOW. Mr. Covode, you say you did not summon him.

The CHAIRMAN. Yes, sir; I never heard of him. There is some management or trick being played off in Cleveland, which will all be explained in a few days when the messenger comes back.

Mr. WINSLOW. It is due to myself to state that I never heard of a subpœna for Mr. Flood; never knew him before he was summoned; did

not know there was such a man living; and I am never consulted, as a general rule, about the issuing of any subpœnas to witnesses before this committee. On the contrary, they are summoned without my knowledge and without the authority to do it.

Mr. TRAIN and Mr. ROBINSON both stated that they knew nothing about this witness being summoned.

No. 87.

SATURDAY, *June* 2, 1860.

WILLIAM W. SHORE called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. My residence is in New York city.

Question. Where have you been engaged latterly?

Answer. In Washington.

Question. In what capacity.

Answer. As correspondent of the "Rhode Island Evening Press."

Question. Did you know of a subpœna being issued for you to appear before this committee before you left Washington lately?

Answer. I had an intimation to that effect, but no direct knowledge of it.

Question. Why was it that you kept away from the reporter's gallery here for several days before you left Washington?

Answer. I desire to make an explanation in reference to that. The reason of my being subpœnaed, I suppose, was a remark that I made to Captain Darling a week ago last Friday evening. It was a mere matter of joke on my part. Several gentlemen were on the steps of the Washington House as I was passing out, having visited a friend there. The conversation turned in some way (I do not now remember how the conversation came up) upon Mr. Walker, and his being expelled by order of the House from the reporter's gallery; Captain Darling made the remark that he wanted to find out what Walker did with that $2,500. Says I, "I know what he did with it;" having no idea of being subpœnaed here, but expecting that he would ask what he did do with it, when my reply would have been that he put it in his pocket. I merely intended it as a joke, as Captain Darling was very fond of joking. Instead of that he said, "We will have you before the committee." I immediately said, "Don't do that; I don't know anything about the matter at all." I earnestly requested that he would not have me subpœnaed. On Saturday and on the Monday following I was in my place in the reporter's gallery, as usual, up to my dinner hour. On Tuesday morning I received a letter from home urging me to come home on matters of business. I have a daughter about to be married, and my wife urged me to come home directly.

Question. Had you not notice of this subpœna?

Answer. No, sir; no direct notice. I responded to the letter of my

wife. My desire was to go, because my Providence correspondence has not sustained me since I have been here, and the letter contained an intimation that the young man who is to be my son-in-law designed to extend his business, and would have me go into the store to take charge of his business as extended. I was very anxious to go into that, and the earnest solicitations of my wife induced me to leave; and our annual election was to take place in Providence on Tuesday, and I thought I would have an opportunity to attend that before I got into business. I did not design to be out of the way of the committee.

By Mr. TRAIN:

Question. When were you summoned?

Answer. On Tuesday morning of this week, in Providence.

By the CHAIRMAN:

Question. Were there not a few days, after you got knowledge that a subpœna was issued for you, that you kept out of the way of the committee?

Answer. No, sir; I was in the way all the time, though I have not been in the reporter's gallery all the time; I have some business with a Mr. Bradley here in regard to some fire-arms of his, and on Tuesday I went with him to make trial of them. I was at the Washington House on Tuesday and Wednesday. On Wednesday I wrote an article to the "Press" descriptive of this fire-arm, and also a notice of Mr. Bradley, which was in my regular line of business, and for which he paid me. I had no desire to be brought before this committee, it is true; but it was simply from the fact that I knew nothing, or at least nothing that the committee would want to know.

Question. You say that it was because you did not know anything about the matter that you did not want to be brought before this committee?

Answer. It was partly that. I gave notice to Captain Darling on two or three occasions that I did not want to be brought before the committee, and explained to him that I did not know anything about this matter.

Question. Have you not had some conversation with Mr. Walker since that time about this matter; and if so, what was the nature of that conversation?

Answer. I think I had a conversation with Mr. Walker on Wednesday; I met him in the reporter's gallery, and I think the substance of the conversation was this: Says I, "I have been summoned before the Covode committee;" and, says I, "what do you suppose they want to know?" Says he, "I don't know; what do you know?" Says I, "they expect me to tell what you have done with that $2,500." Says he, "what do you know?" I replied, "I know nothing of that point." He then said to me that he had made the remark to the committee that his bank account would show exactly what was done with it. I do not think the whole conversation occupied more than two minutes,

Question. Did you not, at the time these negotiations were going

on, know something about Mr. Walker's business in connexion with the passage of the English bill?

Answer. I should have to say that of direct knowledge, I have none.

Question. What was the character of your knowledge?

Answer. The same that most correspondents would have, and perhaps a little more, although of that particular matter I have no direct knowledge. I have known Mr. Walker for some three or four years, and have had business relations with him in the way of correspondence, and in the matter of the India-rubber patent that he was engaged upon. Do you desire me to tell what knowledge I had of Mr. Walker previous to this matter?

Question. Before you go into that, I will ask you: Did Mr. Walker give you the knowledge you have, or did you get it from other persons?

Answer. I got it from my connexion with him, and being in the same business. He came here three years ago as the agent of Horace H. Day, to advance the interest of the Chaffee India-rubber patent. I was correspondent of the "Philadelphia Ledger" four years ago, and at that time became acquainted with Mr. Day, and through Mr. Day with Mr. Walker. They were both in the same matter, advancing the same interest; and as far as I could I aided them to secure the passage of the bill for the relief of Edwin N. Chaffee.

Question. Did you know of these two bills being connected by any arrangement to which Mr. Walker was a party—the Chaffee paten bill and the English Lecompton bill?

Answer. Not directly.

Question. Did he not tell you of some arrangement by which the two bills made friends for each other?

Answer. I have merely my suspicions about that; no direct knowledge. Mr. Walker never made any such statement to me. But I think I can venture the assertion that they were connected, from my knowledge of Mr. Hay and Mr. Wendell.

Question. Did you not know that Mr. Walker was the go-between of Mr. Hay and Mr. Wendell with members for passing both of those bills?

Answer. That would be suppositious.

Question. Did he not tell you so himself?

Answer. From my knowledge of Mr. Walker's business about the House, I should say it was so, that I have no direct knowledge to that effect.

Question. Do you not know that while Walker himself was not in favor of the passage of the English bill at first, yet by putting the two bills together he became differently interested, and he then went for the English bill?

Answer. That I should say was direct knowledge on my part that it was so.

Question. You knew that?

Answer. Yes, sir; I think I knew that. The Chaffee patent was one of the largest interests in the country, and I know that the interests of those two bills were blended together, through Mr. Hay. Mr. Hay was the real agent, and Mr. Walker was regularly employed

by Day, and I know that Mr. Walker has exerted political influence to aid in the passage of the patent.

Mr. WINSLOW. I believe much of this testimony to be illegal, hearsay testimony, merely the declarations of Mr. Walker; but I am not going to throw any obstacles in the way. I have never done so when there is any corruption involved. I only want it to appear that I am not sitting here silently acquiescing in questions that are illegal; that is all.

Mr. ROBINSON. I am inclined to that opinion myself with regard to most of the questions; but I think it best that the witness should go on and state what he does know.

By the CHAIRMAN:

Question. Go on and make your statement with regard to your means of knowledge of the blending of the interests of the two bills, and the money influence that was thought to bear after those interests were blended?

Answer. I hardly know where to begin.

Question. What I want to find out is your knowledge of the money influence in connexion with this matter?

Answer. In regard to that I knew that there was an immense deal of money expended here upon the Chaffee patent; that every means were used to advance that interest; that some men were paid for saying nothing, and some were paid for what they did. My connexion with the bill was the saying nothing. I was then writing occasional letters, and I received from Mr. Hay a certain amount of money for doing nothing, neither to advance the interests of the patent nor to oppose it. I was paid not to oppose the interest of the Chaffee patent. I was with Mr. Hay and Mr. Walker, and was knowing to all these facts; that influences were used in one way to advance political measures, with the view of making friends of the Chaffee patent. The one seemed to turn upon the other. Of course every means they could devise was made use of to carry out that particular end.

Question. What amount of money was paid by you for doing nothing?

Answer. I received from Captain Hay $10 a week.

Question. For what length of time?

Answer. I received that during the last Congress.

Question. Was that after the two bills were blended together in interest?

Answer. The English bill was passed two years ago this spring.

Question. Was this money received by you after the blending of the two bills?

Answer. My interest in the matter closed with the closing of the last Congress; I have received nothing since then.

Question. Then you received this pay while these two bills were pending?

Answer. Yes, sir.

Question. Do you know whether Walker received the $2,500 that he got in the same way, or for any other purpose than to get him to use his influence for the bills as they were blended?

Answer. My impression was that Walker received the money in about the same way that I did mine, except that he had a different interest—an active interest. I considered that my position with regard to the Chaffee patent was a negative one.

Question. Did you get altogether as much money as Walker did?

Answer. No, sir; I think I may have received $200.

Question. Do you know of other reporters in the House gallery that were employed in the same way, either to say something, or to refrain from saying, in connexion with these bills as they were blended?

Answer. There was a Colonel Chester; he is not in the country now. He was the correspondent for the "Philadelphia Inquirer." I introduced him to Mr. Day. I was anxious, of course, to aid Mr. Day as much as I could, and would introduce to him such reporters as I thought would be able to help the measure.

Question. Where is Colonel Chester now?

Answer. I think he is in Europe; he has not been in this country for some two years.

Question. Do you know at what time the friends of these two measures made the arrangement to blend the two interests together and to unite their efforts?

Answer. My knowledge runs back for four years, and I know that Mr. Hay and Mr. Wendell——

Question. I do not think that you understand my question. I mean when were the interests of the English bill and the Chaffee bill blended; do you know when that took place?

Answer. No, sir; I should suppose it was one of those gradual arrangements where one thing leads to another; as the English bill came forward, if the Chaffee bill could aid it in any way it would advance the Chaffee bill. I suppose that the one was the consequence of the other.

Question. Do you know who were the representatives of each of these measures that blended these interests?

Answer. No, sir; I do not think I have any direct knowledge with regard to that.

Question. You do not know who they were who held the conferences to blend together the interests of the English and the Chaffee bills?

Answer. No, sir; I was not in the confidence of those parties in their political movements. My knowledge is only that which any man in my business would be likely to have as a looker-on, and, of course, a hunter up of those little matters for the papers with which I was connected.

Question. When these moneys were paid over for writing or refraining from writing, these interests were blended and mutual, were they not?

Answer. I have no direct knowledge of that fact; it is but mere presumption. As I have just remarked, I was not in their political secrets.

Question. You were not in the confidence of the men who made the arrangements?

Answer. No, sir.

By Mr. TRAIN:

Question. Was the consideration you received in payment of your keeping quiet upon both measures, or only upon one?

Answer. In regard to the Chaffee patent.

Question. Did you state how Walker's money was received, whether it was for one or both interests?

Answer. I have not the direct knowledge. As I have before remarked, it is merely suppositious. My direct knowledge is the activity of what we term the lobby upon the Chaffee patent, and the material of it, and the great interests at stake. I know that every possible means was made use of to serve that end. There was an abundance of money in it.

Question. Did they pay this large amount of money without getting their bills passed?

Answer. Yes, sir.

By Mr. WINSLOW:

Question. Where does Mr. Chaffee live?

Answer. He lives in Providence, Rhode Island.

Question. Were you here when the vote was taken on the suspension of the rules to take up the Chaffee bill?

Answer. No, sir; I was not here the last session.

Mr. WINSLOW. I wish to state here that, upon an examination of the Globe of the last session, it appears that the vote on the suspension of the rules to enable the Chaffee patent bill to be taken up was on the 31st day of January, 1859. The motion was defeated, two-thirds not voting for it, yeas 86, nays 85.

By Mr. WINSLOW:

Question. Then your compensation was $10 a week up to the expiration of the 35th Congress?

Answer. Yes, sir; I was engaged in it for two Congresses—for four years. I desire to state that my connexion with Mr. Hay and Mr. Day was a mixed one; professionally I was doing copying. I would state also that Mr. Hay had an interest in a canal company at Niagara Falls.

Question. Do you know Mr. Day?

Answer. Yes, sir.

Question. Where is he from?

Answer. He was originally from Providence.

Question. Do you know Mr. Hay?

Answer. Yes, sir.

Question. Where is he from?

Answer. I think he is from York, Pennsylvania.

Question. Where does he now reside?

Answer. I think he resides in Philadelphia.

Question. You say that Walker received $2,500?

Answer. Yes, sir.

Question. How much did Mr. Chester receive?

Answer. Mr. Chester had a contingent interest in the passage of the bill, and I think he received a small amount of money.

Question. Did you know any other persons who had any contingent interest in the bill, or who received any money? If you did, you will please name them.

Answer. There were quite a number of parties, but I cannot recollect their names at this moment; I have a poor recollection of names.

Question. Endeavor to recollect, if you please.

Answer, [after a pause.] I cannot recollect at this moment. I might refresh my memory, but I cannot call to mind any other names now, although there are persons in my mind.

Question. Do you know any member of Congress who received money?

Answer. No, sir.

Question. Do you know of any member of Congress who had an interest?

Answer. No, sir.

Question. Do you know of any member of Congress having an interest indirectly in the passage of that bill, or who received any money?

Answer. No, sir.

Question. Do you know whether Mr. Wendell was to receive any money from the passage of the bill?

Answer. I do not know. I know that he received a great many pecuniary favors from Captain Hay; probably those matters were mutual. I think he had an interest in the Chaffee patent.

Question. What interest had Mr. Hay in it?

Answer. I think he was part owner of the patent. He was in company with Mr. Day.

No. 35.

SATURDAY, *June* 2, 1860.

J. S. BLACK recalled.

By Mr. WINSLOW:

Question. You have been furnished with a copy of Mr. David Webster's testimony?

Answer. Yes, sir.

[Mr. Webster's testimony was also read to the witness.]

Question. I will thank you to state to the committee, if you please, all you recollect of that matter?

Answer. The printing of the post office blanks was brought to my attention soon after I came into office, as a part of the patronage of the government that might be bestowed as other patronage was bestowed. There were several, I do not know how many, applicants for it; and among others Mr. Forney, not then the proprietor of any newspaper, was also an applicant. But he intended at the time, I think, to establish a press. Mr. Forney's friends and he himself

urged his claims very strongly. I do not know whether or not he wrote or spoke to the President or Postmaster General upon the subject, but he did write and speak to me very often. He enlisted my efforts and those of Mr. Cobb very earnestly in his favor. Mr. Baker also exerted himself. He had other friends who were urgent about it; Mr. Webster was one of them. But I think that it was upon Mr. Cobb and myself that his chief reliance seemed to be placed, and we literally did our best to secure the success of his application.

During the summer Mr. Forney often spoke impatiently and bitterly about the delay. Mr. Forney's appeals to me to get this printing for him were coupled with strong assertions that he was then true to the President, that he had always been true to him, and he asseverated strongly that he meant to be true in the future.

The President did not reply to Mr. Cobb's solicitations and mine by saying whether he would or would not assent. I recollect now only two reasons that he gave for postponing a decision upon it. One was that Mr. Forney ought for his own interest to go abroad; another was that he (the President) would leave the public printing in the condition he found it until after the meeting of Congress. He did not, in fact, change it during the recess.

Towards the winter Mr. Forney, having established a newspaper, was understood to be conducting it in such a manner as to expose him to the suspicion of personal hostility to the President, and an intention of going over to the other side. I began to be told constantly that Mr. Forney had become a bitter personal enemy of the President; that he was in his heart against the democratic party, and would be openly on the opposition side very soon.

Things were in just that condition when Mr. Webster wrote me the following letter:

PHILADELPHIA, *December* 18, 1857.

MY DEAR JUDGE: There is some little stir in town to-day, created by a report that the Pennsylvanian has received the job of printing the post office blanks to the exclusion of Forney's paper. Now, not *to follow* such a marked and invidious discrimination "to its logical consequences," to quote language which is growing to be immensely popular with us, I am induced to bring this subject to your view, and to recur to a conversation which passed between us when you were last in our city. Your explanation of certain matters and conversations concerning this subject were coupled with an assurance that, when the time and opportunity arrived, our good friend Forney should be taken care of. I am unwilling to believe that the administration has allowed that opportunity to pass by with such a promise unredeemed, and I shall be rejoiced to get a line from you saying that the report which we have heard is unfounded.

Your friend most truly,

DAVID WEBSTER.

Hon. J. S. BLACK,
Washington, D. C.

Not having time to discuss the subject with him in writing, I sent him a note requesting him to come over here; and he came. We had been for several years upon terms of confidential intimacy. He had behaved very well to me, and at my hands he had received nothing but good deeds and kind words. I spoke to him as freely as I would have spoken to anybody in the world. The conversation lasted, I should think, for three or four hours; a part of it in my house, and a part of it on the street. We spoke with little reserve of men and measures, public and private, past and future.

Among other things we talked about the printing of the post office blanks. Mr. Webster knew that Mr. Cobb and I had been very earnest in our efforts to get that printing for Mr. Forney; that we opposed everybody else but him; and that we had never, down to that time, ceased to make the effort in good faith. He said the administration ought not to make a distinction between democrats on account of a difference of opinion upon the Kansas question. I told him that we made no war upon anybody for a mere difference of opinion; but a fierce and unfair war had been made upon us for our opinion. I added, that what stood in the way of Mr. Forney's application for patronage was, not his difference of opinion upon Kansas affairs, but he was believed to be personally hostile to the President, on account of not getting what he expected; that in addition to that, it was suspected by many that he intended to take the first opportunity that presented itself of going over to the other side. It was manifestly impossible, I said, for the Post Office Department to bestow favor and patronage upon a man who was engaged in defaming the President's personal character, or who was ready to join his political enemies. I told him that I would not ask anybody to humiliate himself by unsaying what he had said upon a public subject; and that Mr. Forney had committed himself upon the Kansas question to an extent that rendered it impossible for him to get back.

Mr. Webster said he thought as I did, that a mere difference of opinion upon a public question was a thing which ought to be tolerated, and settled inside of the party. As to the other two points, (malice against the President, and sympathy with the opposition,) he denied that they were true in point of fact. He admitted that Mr. Forney, in private conversation—never in his paper—had said harsh things about the President; but he was an impulsive man, and often expressed feelings that were transient; at the bottom of his heart he was really friendly to the President. He derided the allegation that Forney would turn his political coat as perfectly ridiculous. Forney, he said, had been belied; he had no such intention.

I then expressed the opinion that, if the facts were as Mr. Webster said, Mr. Forney might very readily place himself *rectus in curia*, by taking some occasion, in his newspaper, of expressing what his real sentiments were. He might say that the President, though not entertaining the same sentiments as he did upon certain public questions, was yet governed by honest motives; and in the same article, if he chose, or in another, he might abjure all sympathy with the political enemies of the democratic party. That would place him in what Mr.

Webster said was his true attitude; and that was all I thought ought to be asked of anybody under such circumstances.

I do not know whether Mr. Webster expressed the opinion that Mr. Forney would or would not act upon this suggestion. But he said that he thought he ought to do so, for it was perfectly proper and right. He agreed with me that a man who is an applicant for patronage from an administration could not expect to succeed, if he allowed a suspicion of malice and treachery to stand without contradiction.

He asked me the question, "do you think he could succeed then?" I told him that I thought he could; that I knew no reason why he should not, any more than if these suspicions had never existed. He asked me what portion of that printing he could get? I answered that if he got any he would be bound to get the whole of it, inasmuch as it had been settled, after full consideration, that there could be no division of it; that the job could not be divided up and given to different persons; that the order would have to be given (as it was subsequently given) to a single individual who would be responsible for the whole work, and who might make out of it whatever profit he could, according to law.

When I told him this I distinctly said that I was speaking for no one but myself; that he knew very well the patronage was not in my gift; that I had no right to bestow it; that it belonged to the Postmaster General who, I took it for granted, would act under the advice of the President. I cautioned him to remember that what I said was simply an expression of my opinion about the success of the application, and I had no power nor authority to make any promise. But I thought that if he acted on my suggestion he would have a claim upon the work and might expect success. I directed him to make Mr. Forney understand, before he did anything, that if he should fail I was not to be held responsible for the advice I had given, otherwise than for my error of judgment as to what he ought to do.

Mr. Webster went home, and some days afterwards, on the 24th of December, 1857, he addressed to me this letter:

PHILADELPHIA, *December* 24, 1857.

MY DEAR JUDGE: Forney's reply to your proposition is, "that if twenty years' active service in the democratic party, and in the interests of Mr. Buchanan, is no guarantee of his continued devotion to the great principles of our organization, then he has lived in vain; that he would consider himself humiliated if he had to make such a declaration in his paper *at the present time* and *on mere expectation*." This is, as you know, what I feared would be the character of his reply. If the pursuit of an object is a greater pleasure than its possession, I think the maxim must have one exception at least, and that is the public printing, for undoubtedly the *possession* of that *insures* a greater amount of happiness and prosperity than an *uncertain* claim upon it is likely to confer.

Very truly, your friend,

DAVID WEBSTER.

Hon. J. S. BLACK,
Washington, D. C.

P. S.—Things grow *worse* and *worse*. You cannot be too prompt in your remedial measures.

D. W.

It will be seen that Mr. Webster is entirely mistaken about every part of the letter except the first sentence. He thinks he has given the whole of Mr. Forney's answer; he has left out a most important part of what you perceive to be in quotation marks. He says that he added of his own accord certain expressions; those expressions are not in the letter at all, and in place of them are others totally different. The underscoring of the words, "*at the present time*," "*mere expectation*," "*possession*," "*insures*," and "*uncertain*," is his own and was manifestly intended to call my attention to the fact that Mr. Forney had no promise or pledge, and that he wanted to have one before he would express friendship for the President or the party. I understood these words very well, but as Mr. Webster says truly, I never replied.

Mr. Webster also says that Mr. Forney's friends valued the job he was applying for at $80,000. I never heard of any such valuation before. I think Mr. Forney himself knew the value of it as well as any other person; I know he was willing in the early part of the summer to take a portion of it amounting to $8,000, but he was not willing to wait for it until the meeting of Congress.

Mr. Webster is utterly mistaken in saying that I gave him a promise. I gave him none, nor did I utter a word on the subject as coming from the President or the Postmaster General; moreover, I did not mention the article which I thought Mr. Forney ought to publish as a condition upon which he would receive the printing, but as a thing which he ought to do for the sake of the truth, and for the purpose of putting him right as an applicant for patronage.

I have no right to suppose that Mr. Webster would wilfully mistake a fact; our relations have been those of close friendship and great confidence, and have never been disturbed by differences of opinion. I feel very sure that if he could have had an apportunity to compare his recollection with mine, or if he had seen his own letters before he testified, he never would have made such a statement as he did.

Mr. WINSLOW. It is due to Mr. Webster to say that he desired to see you before he communicated this matter, but the committee overruled him upon that, and compelled him to testify then.

The WITNESS. He is not the kind of a man from whom I would fear foul play.

Mr. WINSLOW. He certainly had not that appearance here.

The WITNESS. It is easy to see that a man might misrecollect a private conversation which lasted for hours, when he is called to give it after the lapse of two or three years.

Mr. Webster says that Colonel Forney indignantly refused to publish such an article as I suggested. I think this is also a mistake, because Mr. Webster told me when I met him some months afterward, that Mr. Forney was entirely willing at first to do it, and would have done it but for the interference of Mr. McGraw who prevented it.

I have not undertaken to give the words of this conversation, but

I have stated the substance (I believe with precision) upon every point referred to in Mr. Webster's testimony.

Mr. WINSLOW. You have said that you did not promise to Mr. Webster that Mr. Forney should have this printing upon the doing of this thing.

Answer. I have said that I not only did not make such a promise, but I distinctly cautioned Mr. Webster not to understand me in that way.

Question. It seems unnecessary to ask the question, but you will pardon me for asking it, whether you had any authority from the President of the United States to make any promise or contract with Mr. Forney?

Answer. I had not, and I did not make any promise or contract with him either on the President's account or my own.

Question. Up to what period were you in correspondence with Mr. Webster?

Answer. I think I never received a letter from him after December, 1857.

Question. Do you know anything about a letter from the President of the United States to Colonel Forney offering him the consulate to Liverpool?

Answer. I saw such a letter, but in whose hands I know not. I will not undertake to give its contents.

Question. Mr. Webster speaks of that letter as a kind and affectionate one; is that your recollection of its general tenor?

Answer. *Kind*, certainly; but whether it would warrant the term *affectionate* I can't say.

Question. Was there any offer in that letter inconsistent with the character of a gentleman or the duties of the President and good government in any degree?

Answer. Certainly not in any letter that I ever saw from Mr. Buchanan.

Question. Were there any offers of money in that letter inconsistent with the station of the President?

Answer. No, sir.

Question. Do you know anything about Mr. Forney's willingness to accept that place or not?

Answer. He told me once that he would accept it if Mrs. Forney was willing. She did not consent, and he declined it.

J. S. BLACK.

No. 87.

MONDAY, *June* 4, 1860.

WILLIAM W. SHORE recalled.

By the CHAIRMAN:

Question. When you were here on Saturday you did not get through with your testimony. Have you any further explanation or statement to make?

Answer. I have refreshed my memory somewhat. I could not foresee where I would be led in my testimony; I did not know what the order of the examination would be, and I was led in my testimony into speaking of matters which I would like to explain a little more fully.

Question. Anything of that kind you desire to state you can state now, and we can examine you further at some other time.

Answer. I find that I made a statement on Saturday in regard to Mr. ——— which was merely suppositious.

Mr. WINSLOW. It will not be published unless there is further testimony taken which may justify its publication.

The WITNESS. I answered the question that was asked me honestly, but my statement was of course merely suppositious. I have refreshed my memory, so that when the committee are ready I should like to give them a succinct history of this affair all through, and possess the committee fully of my means of obtaining the knowledge which I have. I think now, that having refreshed my memory, I can give it in a short time.

By Mr. WINSLOW:

Question. Have you refreshed your memory so as to give the committee the names of the reporters engaged in this matter?

Answer. Yes, sir. Mr. A. H. Evans, then connected with the New York Herald, I believe had an interest in it; and there was a Mr. Elliot, a correspondent of the New York Observer, also had an interest in it. I introduced Mr. Elliot to Mr. Day, with a view to help him as much as anything else. I do not know whether there was anything done or not. I think he was promised a contingent interest. And there was a Mrs. Stone, now of New York, who was interested. I am merely giving you the names of those I knew had contingents in this matter.

No. 87.

TUESDAY, *June* 5, 1860.

WILLIAM W. SHORE recalled.

By the CHAIRMAN:

Question. Have you any further statement that you desire to make this morning?

Answer. I have just been reading over my former testimony. I do not think it appears sufficiently how I am in possession of the knowledge I gave the committee, and of my connexion with the Chaffee patent. What I desire now to state will not differ in spirit at all from what I have already stated.

About four years ago, four years the end of this month, I was introduced to Mr. Day. I was then corresponding for the "Philadelphia Ledger," as I stated in my former testimony. I then had a promise of a contingent in this Chaffee patent of $500. That arrangement went on until the session closed in August There was an extra session after that in regard to the appropriation bills, but I considered that my interest had closed with the closing of the regular session, for my contingent of $500 was on condition that the Chaffee patent bill was passed at that session. The session closed without any action being taken upon the bill, I think, and my relations with Mr. Day also closed. I went on to New York, and in September I met Mr. Day on Broadway. He remarked to me: "You are just the man I want to see." He engaged me then for the approaching campaign, to serve as telegraph agent wherever he might desire to use me. He entered into the Fillmore movement in 1856 very largely. I was merely to act by his direction at any point where he might send me to send telegraphic despatches. I had some considerable experience in that line, which led him to engage me; I had been the agent of the associated press a year here, and also in Philadelphia. I went first to Syracuse, where they held their State convention. After that I was sent to Philadelphia, to remain until after the election. I was in Philadelphia I think about six weeks, sending despatches to New York and to the south.

I came back here to Washington at the opening of Congress that year. A misunderstanding between Mr. Day and myself, and no arrangement was made between us for a continuation of my services. He supposed that as I was not engaged I would oppose the patent, and a little personal feeling sprang up between us. He made the aggression, as I considered it, and I used my pen in exposing the Chaffee patent. During that winter I received nothing from Mr. Day, and had no interest at all in the Chaffee patent.

The next year, which was two years ago, I came down to Washington. The matter was arranged through Mr. Hay, and I was conciliated by the payment of the ten dollars a week which I have already mentioned. After that I was not so much in the confidence of those parties as I had been before. Though conciliated, I was not a confidant in the matter. Of course, my position here as a letter-writer gave

me the means of knowing most of the measures used for the advancement of the Chaffee patent. The fact that Mr. Day had entered largely into the political movements of 1856, when I was engaged with him, gave me the assurance that political matters in Congress were mixed with it; that one thing was made to turn upon the other so as to advance the interests of this Chaffee patent. That, I suppose, is about as plain and connected a statement as I can give of my sources of knowledge.

Now, in regard to any direct knowledge of any member of Congress being interested in this matter, I have nothing more than my suspicions, from the movements that were going on. And I will here say that while I had the promise of this five hundred dollars contingent, I introduced Mr. Elliott and Colonel Chester to Mr. Day. That is all I have to add to what I have already said, unless some questions are asked me. I have shown my means of obtaining the information I have given.

By Mr. WINSLOW:

Question. Do you know of any compensation being received by Mr. Elliott, or any promised to him?

Answer. No, sir.

Question. None at all?

Answer. No, sir. When I introduced him to Mr. Day, I knew that an arrangement satisfactory to him was made, that he should do what he could legitimately to aid the matter.

Question. How came you to introduce him to Mr. Day?

Answer. I had this contingent interest, and was anxious to furnish what means I could to assist Mr. Day, and consequently myself.

Question. It was on the mere motion of your own?

Answer. Yes, sir.

Question. And you introduced him that he might be got to do what he could?

Answer. Yes, sir; and the same with regard to Colonel Chester, who had a contingent as I had.

Question. Colonel Chester, you say, has gone to Europe?

Answer. Yes, sir.

Question. Do you know of any other person at all, connected with the House, or out of the House, that was to receive any consideration for the passage of the Chaffee bill?

Answer. There was a Mrs. Branch, who had a contingent interest of $1,500; she was Mrs. Branch then; she has married since, and her name now is Mrs. Crosby.

Question. Upon what was that contingent based?

Answer. Merely upon the passage of the bill.

Question. Upon what services?

Answer. Mrs. Branch was at one time a spiritualist and a medium, and Mr. Day employed everything that he could "in the heavens, on the earth, and in the waters under the earth," to help him.

Question. Was she here?

Answer. She was not the one who was here; Mr. Day had two

others; I do not think that Mrs. Branch had anything to do with lobbying; her duty was merely to give Mr. Day the advice that she got from the other world to aid the Chaffee patent.

Question. Any one else?

Answer. There was a Mrs. Gould; she was one of the spiritualists; and there was a Mrs. Sarah J. Whitman, of Providence, an authoress of some considerable celebrity; she was a spiritualist; I know nothing directly of her contingent in the matter; Miss Gould and Mrs. Whitman were both here with Mr. Day when I commenced with the matter; I knew of their being here, and that that was the object of their mission here.

Question. Were there any other individuals concerned in it, that you know?

Answer. I think that is the extent of my knowledge of those who had an interest in that patent. There were others outside, but these are all that were within my knowledge.

Question. You have given the names of several reporters; do you know the amounts of their interest?

Answer. I do not.

Question. You spoke of a Mrs. Stone yesterday; what was the amount of her interest?

Answer. I do not know. She was very active during that winter.

By Mr. ROBINSON:

Question. "Active!" What was she doing?

Answer. She was moving with members, and I suppose that amounts to activity.

By the CHAIRMAN:

Question. Was she a spiritualist?

Answer. I think not; I think she was more material. Mrs. Stone's husband was clerk for Mr. Day, and she was brought here by Mr. Hay; I do not know as I should know her by sight now; I only know her name, and the fact that she was here; that was two years ago this last winter. She was here actively engaged all through that winter, but how actively I do not know.

Question. Do you know any member of Congress who received any money or any other consideration for the passage of the Chaffee patent bill?

Answer. No, sir.

Question. In your previous examination you said that you think you can venture the assertion that the Chaffee patent bill and the Lecompton bill were connected, from your knowledge of Mr. Hay and Mr. Wendell. Will you please to explain yourself fully upon that point?

Answer. Of course, I cannot detail what I do not understand, how they were blended. My suspicions were caused by my knowledge of Mr. Wendell and Mr. Hay. Mr. Hay, two years ago, had the sole charge of the Chaffee patent; he was very intimate with Mr. Wendell, and Mr. Wendell has already testified, I understood, that he furnished a large sum of money to Mr. Hay, and, as I have already said, I know that everything that possibly could be brought to bear upon the Chaffee patent was resorted to; and if it became necessary to make a

vote or two for the Chaffee patent by making a vote or two for some other measure it was undoubtedly done.

Question. Your idea, then, is that Mr. Wendell and Mr. Hay, to pass the Chaffee patent bill, were willing to let the Lecompton bill pass?

Answer. Yes, sir.

Question. What is Mr. Hay's politics?

Answer. I do not think he has any politics at all; I never heard him express any political opinions. I know the fact that the whole policy of Mr. Day in 1856 was to create a political influence for himself, by the expenditure of a large sum of money, to be brought to bear when his measure came into the House again. If it was well understood that he was the owner of the Chaffee patent, and had expended $60,000 or $70,000 in one election, he would be a dangerous man to oppose.

Question. Is this all you know about this matter that is material?

Answer. Yes, sir; I think it is.

Question. Did you ever have any conversations with Mr. Wendell about the Chaffee patent?

Answer. Well, yes, sir; incidentally some conversations came up in regard to it. While that bill was under consideration there was a regular list of members kept and checked, of members who were known to be favorable to the bill. The conversation I had with Mr. Wendell arose in this way: We were speaking about Mr. Walker's influence and his operations. I made the remark to Mr. Wendell that I considered Mr. Walker to be a very unreliable man to have a large interest at stake; that he was injudicious as an operator. And Mr. Wendell then spoke of some interviews that he had with Mr. Day. Mr. Day had shown him a list of men who were certain for the Chaffee patent, and asked him for his list for his bill. He told him that he had no list, and remarked to Mr. Day that a great many of the men who had promised to support the Chaffee patent would not support it when the time came, but that his own men would be found all right, although he had no list. That conversation took place the fore part of this winter; I think some time in January.

No. 11.

TUESDAY, *June* 5, 1860.

A. H. EVANS recalled.

By Mr. WINSLOW:

Question. Are you a correspondent for any newspaper?

Answer. Yes, sir.

Question. What paper?

Answer. The New York Times.

Question. Do you know anything about a bill in this House of Representatives generally called the Chaffee patent bill?

Answer. Nothing at all, sir.

Question. Do you know Mr. Day, the agent of the Chaffee patent?

Answer. I know Horace H. Day; I do not know that he has anything to do with the Chaffee patent. I knew him here some years ago.

Question. Do you recollect of Mr. Day being here during the last Congress?

Answer. I do not think I have seen Mr. Day for some three or four years.

Question. Do you know Mr. Alexander Hay?

Answer. I do not know anybody of that name, unless you locate him somewhere?

Question. Do you know a Mr. Hay who was here as agent of the Chaffee patent?

Answer. No, sir.

Question. Did you ever have a conversation with Mr. Day and Mr. Hay, or anybody else, in connexion with the Chaffee patent?

Answer. I do not think I have heard Chaffee's patent mentioned for three or four years. I think that during the session of Congress, when Mr. Banks was Speaker, there was a contest between Mr. Day and somebody—I cannot say who the other party was, but Mr. Day had a conflict with somebody at that time—and that is the last time that I have heard the subject of Chaffee's patent spoken of. I think it was Goodyear's patent that Mr. Day opposed; at any rate, he had a contest during that Congress with somebody; I do not know who it was with; and that is the last knowledge I have of it. Mr. Hay I never heard of.

Question. Did you ever receive any consideration for your services connected with that bill?

Answer. In the thirty-fourth Congress Mr. Day gave me an amount of money for trying to get up a bill which I think was counter to the Goodyear patent. It has been so long ago that I do not remember now exactly what it was.

Question. How much did you receive?

Answer. I think it was six hundred dollars.

Question. What were the services which you were to render?

Answer. Trying to get his bill up.

Question. How—in what manner?

Answer. By urging the propriety or necessity of getting it up; getting members to try and call it up. I cannot say whether it was to get up his bill or to get a vote upon his bill; at any rate, it was trying to get action upon his bill.

Question. That was in the thirty-fourth Congress?

Answer. Yes, sir.

Question. Was you not concerned in this matter during the thirty-fifth Congress?

Answer I do not think it was there.

Mr. WINSLOW. Yes, it was.

The WITNESS. I had no knowledge of it.

Mr. WINSLOW. You never had any conversation with Mr. Day or Mr. Hay on this subject during the thirty-fifth Congress?

Answer. No, sir.

Question. Was the compensation that you received in the thirty-fourth Congress for that Congress alone, or for you to continue your services?

Answer. It was for that Congress alone; I have never heard of it since that period.

Question. Was you a reporter in the gallery then?

Answer. No, sir.

Question. Or clerk to the Committee of Claims?

Answer. No, sir.

Question. You had no connexion with the House at all during the thirty-fourth Congress?

Answer. I had for a while.

Question. What connexion was it?

Answer. I was a correspondent for some papers.

Question. Was you admitted on the floor of the House?

Answer. A part of the time I was.

Question. Do you know any member of Congress who received a money consideration for the passage of the Chaffee patent bill, or for giving it any support whatever?

Answer. I do not; nor do I believe that members of Congress could be approached in that way. I have no confidence in those rumors and statements. I certainly do not recognize any member of Congress that I would be willing to approach in such a manner.

Question. Do you remember having a conversation with Mr. Wendell with regard to the passage of the Chaffee patent bill?

Answer. No, sir.

Question. Or the Lecompton bill?

Answer. No, sir; I never heard him mention it.

Question. Do you know any member who received money for the passage of the Lecompton bill?

Answer. I repeat that I do not know any member who I believe could be approached upon the subject. I regard these stories outside as slanders upon members of Congress.

No. 89.

WEDNESDAY, *June* 6, 1860.

JARED L. ELLIOTT, called and examined.

By Mr. WINSLOW:

Question. Do you reside here, Mr. Elliott?

Answer. Yes, sir.

Question. Have you a seat in the reporter's gallery?

Answer. Yes, sir.

Question. What paper do you represent?

Answer. I have been writing, until quite recently, for the New York Observer, for two years and a half, or more.

Question. Do you know Horace H. Day?

Answer. I think I was introduced to that gentleman some time during the session of 1855.

Question. During the 34th Congress?

Answer. Yes, sir; during the time when Mr. Banks was Speaker.

Question. Do you know whether he was here during the last Congress?

Answer. I have not seen him for three or four years.

Question. Do you know Alexander Hay?

Answer. No, sir; I do not know that I have ever met him, or have ever been introduced to him.

Question. Do you know Mr. Walker, the reporter?

Answer. I knew him as a gentleman who was one of the reporters in the gallery. I never was at his house, and never had anything more than a speaking acquaintance with him.

Question. Did you ever have a conversation with Mr. Walker, with regard to the passage of any bills in the House?

Answer. No, sir.

Question. Do you know anything about the receipt of money by Mr. Walker, in this connexion?

Answer. No, sir; it took me entirely by surprise when I happened to be in the House that day, and heard of the action that had been taken by the House with regard to him.

Question. Do you know anything about a bill that was generally called the Chaffee patent bill?

Answer. I remember, sir, that in the first session of Mr. Banks' term, I think it was in the winter of 1855, there was such a bill pending before Congress, and it was a good deal talked about by different persons on the floor and in the hearing of the reporters; and I think there was some gentleman by the name of Shore introduced me to this Mr. Day. I then occupied one of those seats in the south-east corner of the old hall; and I think that Mr. Day said something in my hearing, either addressed to me or to the other gentlemen, (for there were several reporters and other gentlemen standing around,) to the effect that he seemed to consider it necessary, proper, and just that if this Chaffee patent bill should receive the favorable action of the House, the patent which he had should also receive the favorable action of the House, because they were so connected, the one with the other, he having been, as I understood, the proprietor or inventor of some solvent or something that would prepare the material better for being worked advantageously; so that the impression made upon my mind was that he thought the one case could not be justly and favorably considered by the House without his being favorably considered also. That is the extent of my knowledge with regard to that bill.

Question. Did he make any application to you to aid in the passage of that bill?

Answer. No, sir.

Question. Or any other bill before the House?

Answer. No, sir; none at all.

Question. Did any one ever employ you to aid in the passage of any bill before the 34th Congress?

Answer. No, sir.

FRIDAY, *June* 8, 1860.

JAMES H. SMITH called and sworn.

By Mr. WINSLOW:

Question. Where do you reside?
Answer. In Columbus, Ohio.
Question. What is your occupation?
Answer. I am at present clerk of the courts of the county in which I live.

By the CHAIRMAN:

Question. Do you know anything about a paper being drawn up, or some arrangement made, in regard to the "Ohio Statesman," by which the conduct of that paper was to be affected on certain conditions?

By Mr. WINSLOW:

Question. Was it a written paper? because, as at present advised, I must object to parole testimony in regard to a written document.
Answer. It was a written paper.

By Mr. TRAIN:

Question. Was Mr. Miller a party to that paper?
Answer. Yes, sir.

By the CHAIRMAN:

Question. What other names were to the paper?
Answer. The other names were those of Samuel Medary and S. S. Cox.

By Mr. WINSLOW:

Question. What was the date of that paper?
Answer. It was about the 1st of June, 1858.
Question. Do you know where that paper is?
Answer. It was in the hands of Mr. Miller, who is now here under a subpœna of this committee.
Mr. WINSLOW. I think he is the proper witness to be examined in regard to that paper.

FRIDAY, *June* 8, 1860.

THOMAS MILLER called and sworn.

By Mr. TRAIN:

Question. Where do you reside?
Answer. I live in Columbus, Ohio.
Question. What is your occupation?

Answer. I am postmaster of Columbus, and one of the publishers of the "Ohio Statesman."

Question. In the spring or summer of 1858, was there any arrangement entered into between you, Mr Cox, of the House of Representatives, and Governor Medary, in reference to the manner in which that paper should be conducted? Was there any written agreement between you and those other gentlemen?

Answer. As to how that paper should be conducted?

Question. Yes, sir.

Answer. No, sir; there was not.

Question. Was there any written agreement at all between you and those gentlemen?

Answer. Yes, sir.

Question. Where is that paper?

Answer. I do not know now where it is, or anything about it; I had forgotten, until Mr. Smith was subpœnaed, and said to me he understood he was to be asked about it by the committee, that there was any such paper in existence. But I can state the object and the agreement.

Question. When did you take an interest in the "Ohio Statesman?"

Answer. The first of June, 1858.

Question. Was this paper drawn up in reference to your going into the paper at that time?

Answer. Yes, sir.

Mr. WINSLOW. I understand the rule of law to be, that no parole evidence can be given in reference to the contents of a written instrument.

The WITNESS. I am very willing to give it.

Mr. TRAIN. I understand that the paper is lost or destroyed.

Mr. WINSLOW. That alters the matter, then.

The WITNESS. I cannot tell whether it is destroyed or not, for I gave it no attention after it performed the duty I intended it should.

By the CHAIRMAN:

Question. Can you produce that paper?

Answer. I do not know that I can.

By Mr. WINSLOW:

Question. Where is the paper?

Answer. I do not know.

Question. Is it in your custody?

Answer. That I am not able to tell. I do not know whether I preserved it, or handed it over to Mr. Smith for the object for which it was intended. In fact, I tell you honestly that I had forgotten that I ever had such a paper until the subpœna was served on Mr. Smith, as before stated.

By the CHAIRMAN:

Question. What names were on that paper when you had it?

Answer. Colonel Medary's, S. S. Cox's, and mine.

Mr. ROBINSON, [to Mr. Winslow.] Do you object to the witness stating what was the purport of that paper?

The WITNESS. I would much rather give it.

Mr. WINSLOW. I think that Mr. Cox should be consulted about it.

[Mr. Cox was then invited to come into the committee room, which he did.]

Mr. WINSLOW then said to Mr. Cox: Mr. Smith and Mr. Miller have been examined in regard to a written paper, said to be dated in June, 1858, relating to the conduct of the "Ohio Statesman," to which it is said you and Colonel Medary and Mr. Miller were parties. The paper is proved to be in writing. I know nothing about it. I have objected to any statements in relation to the contents of that written paper.

Mr. Cox. I have no objection in the world to Mr. Miller's stating the contents of that paper. At the same time permit me to say that it is my impression it had no reference to the conducting of the "Statesman."

The WITNESS. That I have already said, and also that I am willing to make the statement.

Mr. WINSLOW. Then I withdraw my objection.

Mr. Cox. It was intended to smooth matters between Governor Medary and Mr. Smith, and had nothing to do with the manner of conducting the paper, for it previously had advocated the English bill.

[Mr. Cox then withdrew.]

The WITNESS proceeded as follows: I held a mortgage upon the "Ohio Statesman" from Colonel Medary. After he went to Minnesota as governor of the Territory, (in 1857,) he sold the Statesman to Mr. Smith, Mr. Smith assuming to pay off this mortgage. Some time before the expiration of the mortgage, Mr. Smith, not being prepared to pay the money, proposed, in order to lift the mortgage, that I should purchase one-half of the Statesman. I remarked that there was a personal difficulty between Colonel Medary and myself; that I was fearful if I took the paper it would widen the breach, and that I would not take it if he continued to oppose it. This misunderstanding between Colonel Medary and myself was, perhaps, increased when I was turned out of the post office and Mr. Medary appointed in my stead. When Mr. Smith proposed to sell one-half the paper, I said to him I did not wish to take the half of the paper with Colonel Medary warring it, and lose money by it.

In the meantime I found there was a discrepancy in my post office accounts by some difficulty about arranging my matter with Columbus, Ohio, with that of Columbus, Georgia, and I came on here to settle this up. While here I met with Colonel Medary at the National Hotel. I told him that this Statesman matter must be settled up, and told him at the same time that Mr Smith had proposed that I should buy one-half of the "Ohio Statesman." Says he, "Well, why not buy it?" To that I replied, "Smith says—and I think I know you pretty well—that you, having started the paper, and having friends, will continue the war upon it all the time, and I will not buy it." He then said that he was perfectly willing that I should buy it;

that if Mr. Smith was not prepared to lift the mortgage, he had no objections to my taking an interest in the paper. "Well," says I, "I will take the paper, cancel the mortgage upon it, with the understanding that you shall not make any war upon me." To that he agreed. Says I, "Now the best way for us to settle this matter, so that Mr. Smith may know when I go home that you are satisfied that I shall go into the paper, is that we should put it into writing." He agreed to that, and it was put into writing, and that was the object of it. I took that writing home to Mr. Smith to satisfy Mr. Smith that Colonel Medary had no objection to me; and although he was not perfectly satisfied—he and Colonel Medary having differed very widely upon the Lecompton question—I still bought into the paper. This paper I took home was signed by Colonel Medary and signed by Mr. Cox, to show that we had arranged our home difficulties, and had an amicable feeling. But there was no arrangement as to the course of the "Statesman," or anything of the sort.

I think, however, that it is proper to state, that Colonel Medary claimed that Mr. Smith should be the sole editor of the paper. He had an antipathy against an assistant editor that Mr. Smith had employed named Foster, and made some objections to Mr. Foster. Whether that was in the written paper or not I am not able to say.

By the CHAIRMAN:

Question. Did he not make the requirement that Mr. Foster should be removed from the office?

Answer. He had strong objections to Mr. Foster for some political trouble he and Foster had had.

By Mr. TRAIN:

Question. Can you state the contents of that written agreement?

Answer. I do not know that I can repeat the words; but I can give the substance of it. It was to the effect that an adjustment of our difficulties had been made, and that Colonel Medary was perfectly satisfied that I should buy the paper and be a joint owner of the "Ohio Statesman" with Mr. Smith, and that he would use his influence to aid in procuring patronage for the paper; that is about the substance of it.

Question. Was the amount of that patronage stated?

Answer. No, sir.

By the CHAIRMAN:

Question. Did he not make a distinct proposition in regard to the post office blanks?

Answer. Not in that written paper. I will state in regard to that whenever you require it.

By Mr. WINSLOW:

Question. You considered that written paper as a memorandum of an agreement between you gentlemen, touching the settlement of home difficulties?

Answer. Yes, sir; settling the difficulty between Mr. Smith and

Colonel Medary, and between Colonel Medary and myself. Mr. Cox's signing it was merely an evidence that we had settled our troubles.

By the CHAIRMAN:

Answer. Was not some reference made in that written paper in relation to the course the "Ohio Statesman" should pursue—that it should support the adminstration?

Answer. I do not think there was anything of that sort in the paper, for the object of that paper was merely to settle the quarrel between Colonel Medary and myself and Mr. Smith. But I said I was willing, if I took the paper to give the administration a fair and honest support. That we were supporting the English bill now and were satisfied with it.

Question. The paper had been supporting the administration?

Answer. Yes, sir; on the Lecompton question only.

Question. State at what time this post office blank matter came up?

Answer. The conversation about it?

Question. Yes, sir.

Answer. It took place at the same time, but not in regard to the written paper.

Question. What about that?

Answer. After we had settled our difficulties and shaken hands upon it, and felt pretty good, Colonel Medary said that Fason and McLean were here trying to get some of the post office printing to do. He said that he thought the "Statesman," being the central organ, ought to have that. I thought the same thing, of course, as I was going into the "Statesman," and I said I wanted him to aid us in getting it I remarked, then, that I was willing to give the administration a fair and honest support. "Then," said he, "the central organ ought to have a share of patronage, it is the central organ of the State, the leading democratic paper of the State, and if the post office blanks are to be let out, I think the Statesman ought to have a portion, and will try to get it for you." That was the last of it, for we did not get any of it.

Question. Will you state whether at the approaching election you did not receive some pecuniary consideration in some way from the government?

Answer. Not a dollar directly or indirectly, or in any way, except it might have been some advertisements. We got probably $50 or $100 worth of advertising. I think we got one advertisement from the Interior Department, and I think we got one from the Department of the Navy, probably $20 or $30.

By Mr. WINSLOW:

Question. Was any member of the administration a party to that writing?

Answer. Not a man of them.

Question. Were they consulted about it?

Answer. Not a man of them.

Question. Did they advise it?

Answer. Not a man of them.

Question. Did they have any knowledge of it?

Answer. No, sir; not to my knowledge; I did not know that there was any one but us four that had any knowledge of it.

Question. Did you wilfully destroy that paper?

Answer. No, sir; I do not know what became of it; I only wished to accomplish the object I have stated with it, and I know nothing of it now?

Question. I understand you to say that you got no printing of the post office blanks?

Answer. Not a dollar.

By Mr. TRAIN:

Question. You think there was no stipulation in the written paper that you should support the administration?

Answer. I do not think there was; though that one expression as to giving it a fair and honest support may have been in it; I will not say it was or was not.

Question. Let me ask you this question, by way of reviving your recollection and refreshing it: Did not Mr. Smith refuse to sign that paper because he would be bound to support the administration if he did sign it?

Answer. No, sir; he had nothing to do with signing it; when I talked of taking the paper and closing this thing up, Mr. Smith frankly and honestly told me that Colonel Medary might make war upon me; and he was afraid that for a time I might lose money by the "Statesman," if I did take it; he was honest in telling me that there was this feeling, and that if he sold me the one-half of the paper, which he was anxious to do, he said honestly that it might make the breech wider between Colonel Medary and him, and between Colonel Medary and me; I told him that I would not take the paper upon that condition; I would not have a war upon my hands, but I would close the matter up; Mr. Smith was bound for the mortgage, and could not pay it when due; the object of the paper between Colonel Medary and me was to satisfy Mr. Smith that Medary had no objection to my going into the paper; it was merely a home matter entirely, to heal up a quarrel.

By the CHAIRMAN:

Question. Did you not get an intimation that Mr. Wells was in Columbus with a subpœna for you?

Answer. Not directly or indirectly; fortunately, or unfortunately as the case may be, the morning of the day that the gentleman was there, I happened to go to Licking county, and came back the next evening; but I had no knowledge of any man being there to subpœna me, and then no thought of this instrument of writing.

Question. Were you not out, the morning the gentleman called there at 9 o'clock, three miles from the city, to be back in a short time?

Answer. No, sir; not a bit of it; for I hired a livery buggy to go to Licking county, not to be back until the next evening.

Question. Was that the first start you made that day to go to Licking county?

Answer. Yes, sir.

Question. Are you not aware that some person of your household told the officer that you had gone off three miles and would be back in a little time?

Answer. Not a bit of it.

Question. Did you not know that he was in town hunting for you?

Answer. Not a bit of it. I never heard a word in the world about it until I came back to the office and heard that Mr. Smith had been subpœnaed, and then he told me that my name was in the subpœna.

Question. Had you no telegraphic despatch that there was somebody going to subpœna you.

Answer. Not a word in any shape. Mr. Galloway came to me and told me that he had heard that I left town. This was after I had got back. Henry Wilson said it had been reported here in Washington that I had dodged the officer, but he had not believed it. I told Mr. Galloway that he would do me a favor to say to this committee that they could find me at home, and I would endeavor to be at home, as I was willing to come before this committee, for I had nothing to conceal.

Question. Was there any particular amount of the post office printing named to you for the paper?

Answer. By Colonel Medary?

Question. Yes, sir.

Answer. He said some $5,000 or $6,000.

By Mr. WINSLOW;

Question. That was in conversation?

Answer. Yes, sir. He said he thought the "Statesman" was as much entitled to it as the "Enquirer," and if it was to go west he thought the "Statesman" was entitled to it.

By the CHAIRMAN:

Question Were you not aware that Governor Medary was subpœnaed latterly and declined to come?

Answer. I was aware that he was subpœnaed, for he told me so.

Question. Did he give any reason why he would not come?

Answer. No, sir; he told me he would come.

By Mr. WINSLOW:

Question. You say you did not endeavor to avoid the service of the subpœna?

Answer. No, sir; not at all. On the contrary, when I heard this I was anxious to get before this committee.

Question. You are the postmaster at Columbus?

Answer. Yes, sir.

Question. When were you appointed?

Answer. I was appointed the latter part of November, 1858. I was put out in March, and took possession of the office again on the 1st day of the next December.

Question. When were you appointed?

Answer. I was appointed first and put out on Mr. Cox's account, and I was out from the 5th of March until the 1st day of December.

Question. Was there any understanding or agreement between you and Mr. Cox in regard to your re-appointment to office?

Answer. None directly, indirectly, or in any way; not a particle of it.

Question. You know nothing of any bias upon Mr. Cox's mind by reason of your appointment?

Answer. None in the world.

Question. And you have no reason to suppose that there was?

Answer. None in the world. I was here in November, and it was understood that I was to be appointed. I wrote to Postmaster General Brown and said I would not take the office. Mr. Cox said I better take it; but I had no more knowledge until then of being appointed than you had.

Question. When did you get the first intimation of the intention to appoint you?

Answer. The first intimation I got was that Governor Denver, of Kansas, had resigned, and Colonel Medary was going to Kansas; that there would be a vacancy, and Mr. Buchanan had said he would appoint me if I would accept it. I sat down and wrote a note to Postmaster General Brown that I would not take it, but Mr. Cox insisted very hard that I should take it, and I tore the note up which I had written to Mr. Brown.

No. 91.

FRIDAY, *June* 8, 1860.

WILLIAM B. MANN called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside in Philadelphia, sir.

Question. What is your occupation?

Answer. I am district attorney now of the city and county of Philadelphia.

Question. Were you a candidate for that office in 1856?

Answer. I was a candidate in 1856.

Question. Were you elected?

Answer. At that time I was nominated by the American convention and by the republican convention; nominated by each, and there was a union of the two parties upon me in the city, although there was not upon many other candidates. The ticket generally was defeated by upwards of three thousand—that is, my party ticket; but I myself ran ahead of the ticket, and had a return against me of five hundred and fifty-one votes, I believe.

Question. Who had the certificate?

Answer. Lewis C. Cassidy had the certificate, the democratic candidate.

Question. What followed?

Answer. I examined the election returns very carefully, and employed a large number of clerks; and from the information which I obtained, I was induced to contest the election.

Question. In how many districts did you contest it?

Answer. I think I stated seventeen districts in my petition, but I examined only eight or nine of them; and having gone that far, I did not think it worth while to continue the investigation. I went a certain distance and then stopped; but the court, upon the testimony which I submitted, declared me elected by over five hundred majority. Mr. Cassidy, a few days before I closed my case, filed his answer. This was several months, I think—I do not remember the exact time—after I had filed my petition, and several months after the investigation had been going on. He had all that time to find frauds and mistakes, but he did not prove a single case of fraud against me. There was a fraud proven——

Question. What was the nature of that fraud?

Answer. There was a man by the name of James——

By Mr. WINSLOW:

Question. Is that a fraud that you know of yourself?

Answer. I know it from the fact of having seen it proven.

Mr. WINSLOW. That is not evidence. This gentleman, being district attorney, is a legal gentleman, and he must know that he cannot prove what is proved before the court.

The CHAIRMAN. Then we must have the record brought here, or abandon this branch of the subject altogether.

By the CHAIRMAN:

Question. Do you know anything about a large number of fraudulent naturalization papers being used as a part of that fraud?

Answer. I know this: that in a certain locality in Philadelphia, comprising a portion of the fourth ward—the sixth, seventh, and eighth precincts—the court threw out a large number of votes as fraudulent.

Mr. WINSLOW. That is not evidence.

The WITNESS. I know that there was an allegation that these districts——

Mr. WINSLOW. How was the allegation made?

The witness made a statement which the committee ordered to be struck out as irrelevant.

No. 98.

FRIDAY, *June* 8, 1860.

IRA FREEMAN, JR., called and sworn.

By the CHAIRMAN:

Question. Were you sent by the sergeant-at-arms to Reading, Pennsylvania, to subpœna witnesses there?

Answer. Yes, sir.

Question. When?

Answer. I was sent on Monday.

Question. Did you subpœna William Kearns?

Answer. Yes, sir; I found him in Philadelphia.

Question. What did he say about coming?

Answer. He said he had to go to Reading, and would send on to a friend here to get him off, as he did not want to come before the committee.

[The remainder of the answer of the witness was not taken.]

FRIDAY, *June* 2, 1860.

HORACE F. CLARK called and examined.

By the CHAIRMAN:

Question. Were you in the last Congress at the time the English and Lecompton bills were before it?

Answer. I was a member of the 35th Congress.

Question. During the pendency of those bills had you not frequent conversations with Governor Brown, the late Postmaster General, and he with you, relative to the passage of one of those bills?

Answer. I was on terms of personal friendship with Governor Brown. We had frequent interviews in which the general subject of the Kansas question was mentioned.

Question. Did Governor Brown state to you that the President wished to see you on that subject; and, if so, did you, in accordance with that wish, see the President?

Answer. I had two interviews, I think, with the President with reference to the Kansas question; one before the vote on the Crittenden bill, and the other at a later period of the session. One if not both of these interviews was brought about through the suggestion of Governor Brown. He said to me that he thought that a conversation with the President would be appropriate; and I called upon the President upon two occasions and had interviews with him. I do not say that Governor Brown said that the President wished to see me; my impression is otherwise.

Question. Did you attend the meetings or conferences held on the subject of the passage of that bill?

Answer. Do you mean the conferences of the anti-Lecompton democrats?

Question. Yes, sir.

Answer. I attended occasionally.

Question. Are you on intimate terms with Mr. Schell, the collector of the port of New York?

Answer I have been for many years on terms of personal friendship with Mr Schell.

Question. Did Mr. Schell urge or request you to vote for the Lecompton or English bill?

Answer. Mr. Schell, upon various occasions during the pendency of those measures, incidentally expressed the hope that I could see my way clear to vote upon the administration side of the question.

Question. Did he not express his fears if you voted otherwise?

Answer. I cannot say that he did. There may have been apprehension on the part of some of Mr. Schell's friends that my course would be prejudicial to him. I was one of his friends, and had united in the recommendation for his appointment. I was gratified that he was appointed. I told Mr. Schell and some of his friends that I should not vote for those measures. It was a source of gratification to me that Mr. Schell's means were sufficient to enable him to bear the loss of his office if that event had resulted from any political action of mine. I regarded the Kansas measures as exceedingly impolitic.

Question. Both of them?

Answer. Both of them. Indeed, I have given no vote in Congress with more reluctance than that for the admission of Kansas under the Crittenden bill. I do not think that Kansas was entitled to admission at that time upon any grounds. And as for the English bill, I regarded that as quite indefensible. As to the Lecompton constitution, entertaining the opinion that that constitution was a fraud upon the people of Kansas, I was unable to give my assent to the admission of Kansas under it. It was with very great regret that I felt myself compelled to differ from many personal friends and from my party associates upon that question. I wish to be understood that Mr. Schell never said a word to me that was not altogether proper, and that our relations did not justify. I am not aware that he pressed me as strongly as very many other men did. For instance, my friend from North Carolina here (Mr. Winslow) importuned me to vote for that bill.

Mr. WINSLOW. Yes, sir; and in company with Mr. Schell.

The WITNESS. Yes, sir; I think you did.

By Mr. WINSLOW:

Question. You stated, in reply to a question of Mr. Covode, that you did have two interviews with the President.

Answer. Yes, sir. I wish to add here one other word. I must be understood as in no way reflecting upon Mr. Schell. Mr. Schell said nothing to me that, with his views of the question, I would not have said to him under the same circumstances. Mr. Schell is a most high-minded and honorable man.

Question. I will ask you if, within your knowledge, any corrupt influences were brought to bear by the administration to secure the passage of that bill?

Answer. I do not know of any.

Question. I will ask you if any improper influences were sought to be brought to bear upon you?

Answer. By whom?

Question. By the President?

Answer. There was not.

Question. Or by any officer of the government?

Answer. I should say not.

Question. Will you state the substance of the conversations with the President? You have stated that you had two interviews with him.

Answer. Such conversations are in their nature confidential, and I would not refer to them, except to guard against misconstruction.

Question. Such is the very view I take. But as they have been mentioned in this connexion I think that in justice the whole should come out.

Answer. The President argued with me in favor of the admission of Kansas under the Lecompton constitution, upon the ground that her admission would quiet the slavery agitation and give repose to the country. And in answer to the suggestion that the Lecompton constitution was a fraud, his reply was that if so it would be a harmless one, because in his judgment the people of Kansas could change their constitution, if obnoxious to them, whenever they saw fit. It impressed me that this was a dangerous doctrine. I was not ready to concede the right of the people of a State to change their constitution, except in the mode pointed out by the constitution itself, and I could not acquiesce in the doctrine. He also pressed upon my attention the additional ground that the rejection of the application of Kansas for admission under the Lecompton constitution might lead to dissolution of the Union. I became perfectly impressed with the sincerity of Mr. Buchanan's belief that the existence of the Union would be endangered unless Kansas was admitted *under the Lecompton constitution*. At one of the interviews I had with the President a distinguished senator of one of the southern States was present, and he made remarks calculated to impress upon my mind the belief that one southern State at least would secede from the Union unless Kansas was admitted unqualifiedly under the Lecompton constitution; without expressing myself very decidedly upon the subject, I made up my mind to take the hazard and not vote for the bill. I thought the President had reached an incorrect conclusion upon insufficient grounds. Among other facts stated by the President was this, that that one southern State, Alabama, had passed a law imperatively requiring the assembling of a State convention, with a view to secession, in the event of the rejection of the application of Kansas for admission under the Lecompton constitution. And the appeal was, I thought very properly, made to me as the representative of a district containing a very large amount of capital, that repose to the country ought to be obtained even at a very considerable sacrifice of ini-

vidual opinion. I could not accede to the arguments which were addressed to me. But yet I will say that no efforts were made by the President improperly to influence my action; nor was a single word said to me by him which I think it was not his privilege and his duty to have said to me under the circumstances.

By the CHAIRMAN:

Question. Governor Winslow asked you a question with regard to any officer of the government seeking to influence you to vote for this bill. Did you not discover something of that character at one time, and at once meet it promptly by letting them know that you were completely beyond the reach of improper influences?

Answer. I will not deny that there were many persons who felt that their interests might possibly be affected by my departure from the strict party line. Now, I do not intend to arrogate anything to myself when I say that I think I was entirely beyond the reach of such influences.

Question. You settled that matter at once, so that everybody understood that they could not approach you in that way?

Answer. I think that matter was very well understood; I hope it was.

By Mr. TRAIN:

Question. Do you mean to say now that there were persons holding office under the government who did attempt to approach you improperly to influence your vote?

Answer. I do not. There were persons sustaining various relations to the government who were apprehensive that the course which I saw fit to pursue might tend to their prejudice, and they sought, very naturally, to prevent any departure on my part from the policy of the administration.

By Mr. WINSLOW:

Question. Your idea was, I take it, that they supposed that thereby your political influence with the administration would be weakened, and, therefore, it could not be exerted for your friends?

Answer. And their position be impaired.

By the CHAIRMAN:

Question. Do you know that men lost their places in consequence of your vote on that bill?

Answer. My influence with the administration was unquestionably affected by my course upon the Kansas question. I took my course with a full consideration of that result, and with great regret, because of its influence upon other parties.

By Mr. TRAIN:

Question. That does not fully answer the question.

Answer. I will answer it.

By Mr. ROBINSON:

Question. State whether any of your friends lost their position in consequence of your vote.

Answer. A gentleman in my district held, by appointment of the Secretary of the Navy, a mastership in the Brooklyn navy yard, upon my recommendation. When I had determined upon my course upon the Kansas question I told him of it, and, at his own suggestion, he resigned, to avoid being turned out, as he stated. Notwithstanding my course upon the Kansas question, and rather for the purpose of ascertaining the disposition of that gentleman towards those who had dissented from the Kansas policy of the administration, I did, at the suggestion of my colleague, the Hon. John Kelley, apply to the Secretary of the Navy to nominate another gentleman to that place, and I had an interview with the Secretary of the Navy upon the subject. My application was unsuccessful. It was to me a matter of almost entire indifference whether it was or was not successful. I made the experiment, and it was unsuccessful. These are the exact facts. I do not mean to be understood as reflecting against the Secretary of the Navy for the distribution of his patronage among the more reliable adherents of the administration; that is, I think, in accordance with the party usages of the day.

No. 100.

SATURDAY, *June* 9, 1860.

CHARLES BROWN called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In the city of Philadelphia.

Question. Were you formerly collector of the port of Philadelphia.

Answer. Yes, sir; from 1853 to 1857.

Question. Did you have any conversations with Mr. Buchanan in relation to propositions made to Colonel Forney in certain contingencies, relative to his supporting the administration by his paper?

Answer. That is rather indefinite, and would open up a very wide field. I was intimate with both the President and Colonel Forney, and I have had private conversations with both in regard to that matter.

Question. Do you not know of distinct propositions being made by the President to Colonel Forney, through you?

Answer. There were some difficulties between Colonel Forney and Mr. Buchanan after his election with regard to the position that Colonel Forney was to occupy. Finding that there was some trouble between them, and being friendly to both, and desirous that there should be harmony among us all, I came down myself to Washington to see Mr. Buchanan and find out what was the state of affairs, and what

could be done; and I had a conversation with Mr. Buchanan with regard to Colonel Forney.

Question. Please state what that conversation was.

Answer. The President was very desirous to do what he could for Colonel Forney, and place him, I presume, in the position he desired. As I understood from Colonel Forney, (and I was very intimate with him,) the position he wanted under the government was the one he occupied under General Pierce's administration—to edit the national democratic organ here, and, I presume, to be, under the auspices of the administration, the public printer. He was averse to having any office whatever. A number of those around Mr. Buchanan, it was supposed, were adverse to Colonel Forney coming to Washington and being connected with the administration here. Mr. Buchanan informed me that he did not wish, and did not intend, if it was possible, to have any connexion with the public printing or the public press in this place. He did not intend to have anything to do with the public organ here, the democratic paper, or with the public printing. But I understood from him that after things were settled down, (not that he intended to interfere with it in any way,) he had no doubt that in the course of a few months or a year—a few months, I think—an arrangement could be made by which Colonel Forney could become the editor of the paper here, to which Mr. Buchanan was friendly.

Question. What proposition did the President make to you to reconcile Colonel Forney?

Answer. The President was very desirous that Colonel Forney should be consul to Liverpool. Colonel Forney had declined all offices at Philadelphia, such as collector, and all those. Indeed, I may say that Colonel Forney never desired any office; his whole ambition was to be here as editor and public printer. I had urged Colonel Forney to accept the consulate to Liverpool; but Mrs. Forney, like a noble woman, declared she would never take her children abroad, but educate them at home, in her own country, and I at once said that I would cease urging the matter; and I told Mr. Buchanan that that was out of the question, as Mrs. Forney was averse to it, and it could not be done. I sought the interview with Mr Buchanan; he did not seek it with me, and it was suggested by myself, I think, that Colonel Forney should go at some business until this public printing matter was settled, and all these disputes among them done away with. It was suggested by one or the other of us, which of us I do not recollect, that Colonel Forney should become interested in some paper, and I think Mr. Buchanan suggested that it better be in some paper in Philadelphia, which I thought myself, for I knew he did not want him here in any shape at that time. It was suggested by Mr. Buchanan, therefore, that Colonel Forney should go with some paper in Philadelphia, until all these things could be arranged. I mentioned then that a paper could not sustain itself without some aid from the government in some shape or another. I do not know that I had ever heard of the post office blank printing, or whether I suggested it to the President or he to me; perhaps I had heard of it and suggested it to him. Mr. Buchanan said that he had understood that there was such patronage in the gift of the Presi-

dent, and that if Colonel Forney went into a paper, he saw no reason why he should not have it if it was in his gift. I put the question to him whether he thought it better for Colonel Forney to purchase the "Pennsylvanian," or establish a new paper in Philadelphia. He said he thought it was better not to have two democratic papers in Philadelphia. I state those things because we were both friends of Colonel Forney, and I do not think there is any harm in stating those private conversations, as they will tend to explain matters which seem to have been misunderstood. As I was saying, the President said that if Colonel Forney went into a paper, and this post office printing was patronage within his gift, he saw no reason why Colonel Forney should not have it to do; as to the value of it, or the amount of it, the President had no knowledge, but he was disposed in every way he could legitimately to assist Colonel Forney; and as I understood him, when the public printing and other matters then in dispute were settled by Congress, he would be desirous for Colonel Forney to come here and edit the party organ and take his proper position again. I told Colonel Forney of the President's expressions of good feeling, which I believe were sincere, and that I thought time and patience would bring everything all right. This I think was very near the latter part of April or beginning of May, 1857—somewhere along about that time. That is all the conversation I believe I ever had with the President upon that subject. Colonel Forney started his paper in August, I think, of that year, and supported the administration, and everything went on well and friendly until some time in November, when Colonel Forney came out in the support of Governor Walker and that side of the Kansas question. He continued to do so until—that was in November, I think, as near as I can recollect—along in December. In December I was down here in Washington on my own private business, not on that business at all; although Colonel Forney seemed to be adverse to the administration, we were still on friendly terms, and we were all anxious that there should be harmony among us. I saw some of the officers of the government here, Judge Black, Mr. Cobb, and others. I have no distinct recollection about all our conversations; if I had, I would not object to repeat them. They were complaining of Colonel Forney's course. At that time I thought Colonel Forney had no wish to make a war upon the administration, but was merely vindicating a principle which I myself thought was correct; that was before Mr. Buchanan's special message on the Lecompton constitution. I did not apprehend any difficulty, though I was opposed to the President's course in regard to Kansas at the time, but thought it would all come right and the question be settled satisfactorily in some way. I found a great deal of feeling here in regard to Colonel Forney's course, and when I returned to Philadelphia, without making any distinct proposition to him upon the subject, I reported to him what I had heard here, and said that I thought if he continued to pursue the course he was then pursuing, there would be an alienation—that is, he could not expect any favors from the administration, as they were disposed to make it a test question—he must take his own course, and sustain himself as he best could. Colonel

Forney replied immediately that he had taken his course, and would not change it. He said that when he had taken the ground in favor of submitting the constitution to the people of Kansas, he had taken it, as he understood that it was with the consent of the administration, with their knowledge and approval. He mentioned some circumstances to show that such was the case, but I do not remember now particularly what they were; but he said that whether they approved it or not, it was a matter of principle with him, and he would not change his course for all the patronage that the government had to bestow. I remember also speaking to Colonel Forney upon the subject at a time before it was known whether Judge Douglas differed with the President or not. He said he did not care whether Judge Douglas agreed with him or not, but with him it was a matter of principle. I will say here that in our conversations—those between the President and myself—I understood the President merely to refer to this patronage of the post office printing, but as to the amount of it he had no knowledge. He spoke as being willing to give it to Colonel Forney if it was in his gift, and then, if things were settled here satisfactorily, he was desirous to have Colonel Forney come on here and edit the paper, and partake of the advantages that position would give him. I know nothing at all in those transactions that was not alike honorable to the President and to Colonel Forney. I saw no disposition on the part of Colonel Forney to yield to corrupt influences, or on the part of the administration to bring any such influences to bear upon him. It was a conference among friends, and in a friendly way. I do not think the President had the most remote idea of the value of that printing, or of using it in any way to purchase Colonel Forney's support; it was referred to merely as an act of kindness he was willing to do for Colonel Forney.

Question. Did not the President state to you in these conversations that he had already offered to Colonel Forney what would be a large amount—what would be equal to his own salary, $25,000, or something of that sort?

Mr. WINSLOW. I must object to that question as being a leading question. It may be proper to ask the witness what the President said. However, as I do not wish to throw the slightest obstacle in the way of this investigation, I will withdraw my objection.

The WITNESS. I have no recollection of the President stating to me any distinct sum; his own salary, or anything of the kind. I understood the President to say that the consulship at Liverpool was the best thing for Colonel Forney, for he would then be out of the way of all the quarrelling and wrangling going on. I do not pretend to give the President's words, but this was the idea. He thought that the office of consul to Liverpool would be a very lucrative one, and one perhaps that would be better than any other in his gift. But no particular reference was made to the amount of his own salary, or anything of that kind.

By the CHAIRMAN:

Question. Did you not state to Colonel Forney, on your return to Philadelphia, that what had been offered to him would be equal to $25,000 a year, or equal to the salary of the President?

Answer. Not as coming from the President; I understood from others that that was the value of the offers made.

Question. Did you not induce Colonel Forney to believe that that was within his reach?

Answer. I do not think I did; I think Colonel Forney got that from other sources. That was very generally understood and talked about, but I did not get it from the President at all.

Question. Did you not tell Colonel Forney that by pursuing the course he did he was throwing away $25,000 a year, and cutting himself off from all support from the administration?

Answer. No, sir; I do not think that I did. I will not say but what I may have said so.

Question. If not in that language, was not that the substance of what you told him?

Mr. WINSLOW. I object to that question. I do not want any "substance" about it. Let the witness state what he said.

The CHAIRMAN. I am not particular about it.

No. 103.

SATURDAY, *June* 9, 1860.

JOSEPH H. GEIGER called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Columbus, Ohio.

Question. What is your occupation?

Answer. I am a lawyer.

Question. Do you know anything about a correspondence between Mr. Cox, member of Congress, and any of his constituents during the pendency of the English bill; if so please to state what it was?

Mr. WINSLOW. I object to that question. There can be no correspondence spoken of unless it is produced. A man connot give parol evidence of correspondence.

The CHAIRMAN. He is one of the parties.

Mr. WINSLOW. No matter for that; the writing must be produced.

The CHAIRMAN. I will ask you, then, were you not one of the leading men of that section who conferred together relative to the policy of the party at that time; and if so, had you any correspondence, either by writing or verbally, with Mr. Cox.

Answer. I corresponded some with Mr. Cox during the Lecompton controversy; but I wish to say that the communications between Mr. Cox and myself were private communications, so far as this matter was concerned.

Question. Was there not a correspondence which was not private, that a number of people conferred together relative to?

Answer. There was a letter that was written to a number of friends there by Mr. Cox. It was brought there by a Mr. Evans.

Question. Who is Mr. Evans?

Answer. He was a clerk in one of the departments here. He is a gentleman whose residence was in Newark, Ohio, but he was employed in one of the departments here; and during the controversy upon the English bill branch of the Lecompton issue, he brought a letter there from Mr. Cox, and we were all convened to deliberate upon it.

Question. Well, sir, what was the result of your deliberation?

Answer. The result of our deliberation was that we telegraphed to Mr. Cox to oppose the English bill.

Question. Have you not had some conversation with Mr. Cox since the passage of the English bill? If so, what led to it, and when and where did it take place?

Answer. I had several conversations with Mr. Cox after the passage of the English bill. In the first place, I had a conversation with him at Columbus; Mr. Cox came on there, and we, of course, felt very sore about his having deserted Mr. Douglas; we were all friends of Mr. Douglas there, and held our county meetings and State convention, and took very distinct and decided grounds in favor of Douglas; and Mr. Cox had been our mouth-piece, and so I complained to him that we had been left with our fingers in our mouths, and our champion of the walls, and I did not know why, in defiance of our instructions he had himself sought, he had voted as he had upon the English bill; Mr. Cox thought it was the best thing he could do; he said that the party had united upon it and agreed to carry it, and he did not like to stand out himself in opposition to it; that was about the substance of the conversation which we had at Columbus; Mr. James H. Smith was along with us; we were walking down Broad street to Mr. Smith's house; I told Mr. Cox that he had left us in a very unpleasant condition.

Question. Be pleased to detail more fully what that conversation was.

Answer. I have already stated the substance of all the conversation which we had at that time; I saw Mr. Cox afterwards in Washington city, and had a conversation with him here upon the matter.

Question. Had Mr. Cox ever told you that, in consequence of his support of the administration upon the English bill, that gave him power with the President and cabinet officers?

Answer. No, sir, he did not tell me that it gave him power with the President and cabinet officers.

Question. With the President alone, then?

Answer. No, sir, he did not say that.

Question. Just state what it was that he did say.

Answer. We were talking in Washington about it——

By Mr. ROBINSON:

Question. What time was that conversation?

Answer. It was pretty soon after the English bill passed; I do not recollect how soon; I had seen Mr. Cox before in Columbus, and this was the second interview; Mr. Cox was speaking about the occurrences that took place prior to his voting, and in the course of that conversation I think he said that Mr. Cobb had sent for him before he had given his vote, and wanted to see him, and Mr. Cox had sent him

word in reply that he did not wish to have any conference with any person on the matter, because he wanted to determine for himself as to his course; after he had voted Mr. Cobb had sent for him again; he went to see Mr. Cobb, and I think he went with Mr. Cobb up to see Mr. Buchanan, and they spoke to him as having done rightly and acted properly in his vote, and congratulated him upon having voted in that way, saying they thought it had saved the country and the party; then Mr. Buchanan said there were probably some vacancies in the Interior Department, and if he had any friends there might be some places for them; Mr. Cox told me that he went down some time afterwards to see Mr. Thompson, the Secretary of the Interior, but I do not know whether he ever got anything from him or not; I think not; I do not know that he ever applied to him for that purpose.

Question. This was after that vote was given?

Answer. Yes, sir, it was after the vote was given.

By the CHAIRMAN:

Question. Do you know of Mr. Cox saying that he had offices to dispense?

Answer. I never heard him say that, at all.

Question. State any particular conversation with regard to Mr. Cox having any influence with the administration to dispense patronage, if any such took place.

Answer. In our conversation in Washington city Mr. Cox asked me whether I should like to have an appointment to go to New Mexico, to adjust some two hundred and fifty or three hundred thousand dollars worth of government claims; he said he thought that place could be got for me from the Secretary of the Interior; I replied to him that I would look rather scaly in going back home after taking this office under James Buchanan, after the manner in which I had spoken of him publicly, and the opinion that I had of him; I told Mr. Cox that I was very much obliged to him for his kindness in offering me the place, and as he had been so courteous I wanted to give him a little advice, that whatever patronage he might have to dispense he should hold in his own fist until after the election in the fall, and not have any appointments made until after he had gone through the contest, because he would in all probability be the nominee of the party, and it would weaken his standing very much—he would be charged with being bought, if he had any appointments made previous to the election.

Question. Did he act upon your suggestion?

Answer. I do not know, sir, of any appointments that he had made.

Question. Will you explain with regard to the appointment of the postmaster at Columbus; why the change was not made until after Mr. Cox's election?

Answer. I do not know anything about that.

By Mr. ROBINSON:

Question. What answer did Mr. Cox make to your suggestion?

Answer. He seemed to coincide with it.

Question. If you and Mr. Cox at that time talked anything about

the post office at Columbus and the reappointment of Mr. Miller, go on and state what you said about it.

Answer. We talked about it, and I said that Mr. Miller had been removed because of his adhesion to Judge Douglas; he had been persecuted on that account, and he ought to be restored to the office if Mr. Cox had the power to restore him. That is the substance of what I said to him. Mr. Miller was the best and firmest friend that Mr. Cox had, and consequently it was personally his duty to take care of him. I told him, however, that he ought not to have Mr. Miller reappointed until after the election, because the cry of "bargain and sale" would be raised and howled through the district against him.

Question. Now give Mr. Cox's reply.

Answer. I do not know what Mr. Cox said. He seemed to think that my view of the case was correct. I wish further to say, in connexion with that matter, that Mr. Cox did not tell me he would have Mr. Miller reappointed.

By the CHAIRMAN:

Question. What time was the reappointment made?
Answer. It was made after the election.
Question. Was it soon after the election?
Answer. I believe it was soon after.

By Mr. ROBINSON:

Question. What time is your election?
Answer. On the second Tuesday in October.

By the CHAIRMAN:

Question. Have you not had conversations with Mr. Cox at other times, and sometimes in company with other persons, relative to his influence with the administration after the passage of that bill? If so, please to state what those conversations were.

Answer. I may have often talked with Mr. Cox, because we conversed a great deal together; but I do not remember any distinct conversation to which I could testify that had anything in it in connexion with this matter.

No. 104.

SATURDAY, *June* 9, 1860.

JOHN B. HASKIN called and examined.

By Mr. TRAIN:

Question. Did you ever have any correspondence with Mr. Browne, of the "Constitution," in reference to supporting the Lecompton policy of the President?

Answer. No, sir.

Question. Did you have any correspondence with Mr. Butterworth, superintendent of the assay office in New York, in reference to that matter?

Answer. I corresponded with Mr. Butterworth from the time I was elected member of Congress, in 1856, down to the 17th of April, 1858, when I wrote him a letter closing our correspondence and terminating our acquaintance.

Question. Have you any objection to leaving that correspondence with the committee?

Answer. As to this letter of my own, closing our correspondence, I have no objection to leaving that, and having it incorporated as a part of my testimony. I had not intended to have made any use of Mr. Butterworth's letters to me before this committee, but having read in the "New York Times," of the date of the 5th of April last, a statement which was designed to insinuate or charge me with having, at one time, been in favor of the Lecompton constitution, which statement I have reason to know was superinduced to be published by information given by Mr. Butterworth; and reference having been made in that statement to some of my private letters to Mr. Butterworth, with what purported to be a quotation from one of my letters, I now propose, therefore, as Mr. Butterworth, in a letter to me, consented to the publication of his letters provided I would consent to the publication of my letters, to leave these letters of Mr. Butterworth to me with Mr. Covode, the chairman of this committee, the letters to be in a sealed envelope, with the understanding that if Mr. Butterworth agrees to the publication of the whole of my letters, these shall be published also. I do this because I desire that the *cnus* of publishing these letters shall be put upon Mr. Butterworth, he having, in his examination here, consented to the publication of his letters to me provided that I would consent to the publication of my letters to him.

The statement contained in the "New York Times," of the 5th of April last, more than any other consideration, has induced me to testify before this committee. That statement sought to charge me with having acted at least with duplicity upon the Kansas question. Hence it is that I am willing to leave with this committee Mr. Butterworth's letters to me, many of which were written in friendly confidence, just as mine were written to him. There are expressions upon both sides of a very friendly character.

Question. Without stating the contents of Mr. Butterworth's letters, can you state of your knowledge what his views were upon the Lecompton question after the 19th of December, 1857?

Answer. After the 19th of December, 1857, Mr. Butterworth did not endorse the President's course upon the Lecompton question. They accorded, as I understood them, with my views, fully; and I desire here to state, as you have mentioned the 19th of December, that Mr. Butterworth has said, as I am informed, that I favored the Lecompton policy of the President up to the 19th of December, and he has also said that the Lecompton message of the President had been transmitted to Congress before that period. Now for the truth of history, and to vindicate myself, I desire to state here that the annual message of the President of the United States was sent to Congress on the 8th of December, 1857; I approved of that annual message, and on the 21st of December, 1857, I wrote a letter to a meeting called at Tammany Hall in New York to approve of the message, which was then

published, in which I vindicated Judge Douglas's course in the Senate. There was nothing in the annual message upon the subject of Kansas which I did not approve, because the elections in Kansas under Lecompton had not then taken place; Lecompton had not then been made an issue. The first election in Kansas took place on the 21st of December, 1857, and the second election on the 4th of January following. The special message relating to Lecompton itself, was not transmitted to Congress until the 2d of February, 1858.

Question. How many democratic members of Congress opposed the Lecompton policy?

Answer. Well, sir, as a suspicion has been sought to be thrown upon my course upon the Lecompton question, perhaps it would be well for me to state that the anti-Lecompton democrats always met at my house. At the first meeting of the anti-Lecompton democrats, (members of the 35th Congress) which was about the 1st of January, 1858, there were some 24 or 25 present, I was appointed the secretary. Those who met there were Mr. McKibben, of California; John G. Davis, Mr. English, Mr. Niblack, (he only met with us once,) and Mr. Foley, of Indiana; Thomas L. Harris, Mr. Shaw, Mr. Smith, Mr. Marshall, and Mr. Morris of Illinois; Wilson Reilly, Mr. Montgomery, Mr. Hickman, Mr. Chapman, Mr. Dewart, and Owen Jones, of Pennsylvania; Mr. Cox, Mr. Grosbeck, Mr. Cockrell, Mr. Lawrence, Mr. Burns, and Judge Hall, of Ohio; Mr. Adrain, of New Jersey, and Mr. Clark and myself of New York; 24 or 25 altogether.

Question. How many adhered to that position upon the passage of the English bill?

Answer. There were only twelve—the apostolic number—who voted against the English bill, and one was away, Mr. Montgomery, who was paired with Mr. Warren, of Arkansas.

Question. Did you ever have an interview with the President in relation to the Lecompton question?

Answer. Yes, sir; it was an official interview.

Question. If there is no impropriety in telling us about it, will you please to do so?

Answer. I had an interview with the President after the first or second meeting of the anti-Lecompton democrats, whom I have named as meeting at my house. As I had a great deal of solicitude at the time to have Mr. Buchanan's administration a successful one, especially upon this Kansas subject, I called upon him; my little daughter was with me. This was long before he sent in his special message upon Kansas. I told him that there was this number of northern democrats who would not and could not honorably support what was understood to be the Kansas programme, the admission of Kansas under the Lecompton constitution. We had a general talk upon the subject at that time. He asked me what I proposed should be done about it. I told him very frankly that I trusted he would not make any administration test of Lecompton, but would let the Lecompton constitution go to Congress from the hands of John Calhoun, who had been directed by the convention which was alleged to have framed it, to transmit it to Congress; and, as in the case of Minnesota, the President should send no special message to the House; and Congress would dispose of

"Lecompton," we trusted, without his making it an administration measure. The President replied that he had determined upon his policy upon that question; and as there were indications that Alabama, Mississippi and Georgia were about seceding unless Kansas was admitted under that constitution, he had determined to send a special message to Congress, and make it an administration measure.

Subsequently to that, a committee was appointed at a meeting of the anti-Lecompton democrats, at my house, consisting of Messrs, James B. Clay, of Kentucky, Dewart, of Pennsylvania, and myself, to wait upon the President, and beg him not to make this an administration measure and test. Mr. Dewart did not go, on account of his peculiar relations theretofore with the President, and Mr. Cox went in his place. That interview was a short time before the President sent in his Lecompton message. Mr. Clay was the chairman of the committee, but each of us made our argument in as forcible a manner as possible, to avoid the President making it an administration measure, and the difficulty which subsequently grew out of this subject of "Lecompton" in the House.

Question. Do you know of any other matter or thing pertinent to this investigation, or useful to the country? If so, you will please state it.

Answer. All I can say in reply is, that I felt anxious, as it had been insinuated that I was at one time crooked upon the subject of Lecompton, to put myself right here; I supposed that if there was any representative in the 35th Congress who had been particularly active in opposition to "Lecompton" it was myself; I took ground in the House early against it; I think I made a speech against it early in March, 1858. And when I read in the New York papers what purported to be the evidence of Mr. Butterworth before this committee, which insinuated, if it did not expressly charge, that I had been in favor of the Lecompton policy of the President, I felt very indignant at this unjust charge, and desired to vindicate myself, and to make the statement upon the whole subject which I have made here, upon the invitation, and at the request of your chairman. I do it with an assurance to the committee that the letters which I wrote to Mr. Butterworth, and which he said with my consent he would publish, will prove that I was always against Lecompton, and his letters to me will, in my opinion, prove that he coincided with me.

Question. There is one question which I omitted to ask you, and that is, whether in these interviews with the President, or with any officer of the government, there were any inducements held out to you to get you to change your course upon the Lecompton question?

Answer. None by the President, except in the way of argument. The President expressed a great deal of regret that I should take ground against him, saying that, from forty years' political experience, he was satisfied that any man who went against the administration of his party would be without the pale of his party, and that would be an end of him politically. He said that he appreciated my frankness; but no inducements were held out by the President, except those of friendly argument.

By Mr. WINSLOW:

Question. You have stated in your testimony that the interview you had with the President was before the sending in of his special message?

Answer. Yes, sir; I had two interviews with him, and both of them were before that time. One was early in January, and the other, I think, was about the latter part of January, 1858. His special message on Lecompton came in to Congress on the 2d of February, 1858. The second interview was a short time before the message.

Question. Do you mean those letters which you have left here with the chairman of this committee to be published any how, or only in case the others are published?

Answer. Mr. Butterworth having said in his testimony that he would consent to the publication of his letters, if I would consent to the publication of mine, I leave these with the chairman of the committee to meet the challenge of Mr. Butterworth, to be published if he furnishes the others for publication.

Question. You express your willingness to have yours published?

Answer. Yes, sir.

Question. But you do not want that done unless the others are published?

Answer. No, sir; I mean this to meet the challenge of Mr. Butterworth. In the first part of his testimony he says he is willing to have his letters published, in which case I am willing to have these published.

The following is the letter produced by Mr. Haskin, and referred to in his testimony:

WASHINGTON, *April* 17, 1858.

MY DEAR SIR: A multiplicity of engagements here, attendant upon my participation in the defeat of "Lecompton," (with which defeat, from your statements made to me, at our interview when I last met you in the assay office, "that but for your holding the office of superintendent under the administration, you would have been battling with your friends, R. J. Walker, Judge Douglas, and myself, in favor of popular sovereignty, and against the admission of Kansas under the Lecompton constitution," [1] I suppose you are well pleased,) have prevented me from answering your extraordinary letter of the 31st ultimo before this date. I now propose answering this petulant letter as its peculiar contents, its misapprehended statements, and unfair coloring would seem to demand at my hands. You say in it that my courteous note of the 27th ultimo "was unworthy of you, marked as it was by inuendoes and evidences of suppressed rage." You quote a part of it for *your* purpose, but omit the material part, in which I disclaimed believing that you had joined hands with Schell, Jesse Lyon, John Murphy, and John Lindsay, and asserted that I would not so believe until I heard from you; and in your letter you exclaim "bah!" an exclamation suitable perhaps to a ten-acre lot on Fordham ridge, or on a southern plantation, but, considering my dis-

interested friendship for years exhibited for you, not exactly courteous or kind, and certainly not euphonious in the President's ears, *at your recent audience with him at the White House.* You then propose to inform me where I stand, and give me statements purporting to have been made to you "by one of your subordinates." It is due to truth and my own vindication to assert that the statement of "your subordinate" is a sheer fabrication. I never said anything like what you allege he stated. Let me narrate: I called at the assay office to meet you on Saturday morning, the 27th ultimo, pursuant to an appointment made in a telegraphic despatch sent from here by your friends, Gwin and Sickles. You were not in the office when I called, having left the previous evening for Washington. I sent for "your subordinate," Peter Buckout; he came to the front office, and I inquired of him what was doing in West Farms about the town election. He replied that you had stopped in your wagon (on the way to or from the depot) at his house a short time before the nominating meeting was to be held, and requested him to attend it, and to urge the nomination of your friend, L. G. Morris, as the administration candidate; that he had done so at your solicitation; that although Morris was fairly beaten in the nomination, still, as you desired it, he should support him against the *regular* candidate; that his *interest* compelled it, as you requested it; and although he was *my* friend, and would support my renomination and re-election, yet his "bread and butter" was involved, and he should, at your express desire, go against my friends, &c. [2] I replied to him that I regretted you had gone to Washington, inasmuch as if I had seen you, I believed a perfectly fair understanding could have been had between us; that I supposed, in consequence of your holding office under the administration, you merely desired to make a formal *show* in favor of the election of Morris as an administration candidate, and to prove to the President that there was an administration organization in the town in which you resided, and that I did not have it all my own way there; but that I did not and could not then believe, considering my friendly relations with you, socially and politically, and the *political sacrifices* I had made to further your political fortunes, [3] that you seriously desired to have me beaten and repudiated at my own home, particularly when you knew I had been unsuspecting any opposition from such a source, in attending to my congressional duties here. I furthermore said that I had given you as zealous, as pure, and disinterested a political support and friendship in going for you for collector against Mr. Schell, with whom, previously, I had been on the most intimate friendly terms; in compassing your going to the last democratic State convention against the combined opposition of Mr. Schell, the custom-house, Mayor Wood, and Dr. Brandreth's money, not then to refer to other acts of mine in your behalf, that would, in the event of your open, active, and *bona fide* hostility to my friends in West Farms, render it necessary for me, in preserving my self-respect, to cut an acquaintance which would, under such circumstances, have proven to have been the most ungenerous and ungrateful of any it had ever been my misfortune to have made. It is an invention, and *not* true, that I boasted to "your subordinate" that you would have been hurled out of office

but for me, or that I made any threats in reference to your opposing Bussing. [4]

You say you "fully appreciate all your efforts to serve me," but it is not true "that I obtained this office by your aid, nor am I retained by your interposition." I have never insinuated or said you obtained your office by my aid, and I will not insult your intelligence by asserting that you *believe* I have ever said so, as our acquaintance commenced *after* your appointment. I did and do say, however, that when the Herald and Mayor Wood and his friends were endeavoring to oust you, immediately after the defeat of Wood, I exerted all of my power and influence (trifling as you may now deem it since your last satisfactory interview with the President) to prevent your removal.

You say "I have served you and your friends more effectually than you have me, so it does not become you to talk of unrequited service;" to this gratuitous assertion, boastingly and unnecessarily made, I shall interpose a positive denial, and refer in proof to a few facts known to a great many worthy people. I do this reluctantly, upon your own demand for "particulars;" and, in affording them, I do it with the debtor and creditor purpose of closing accounts. The first business you desired me in writing to look after, for your pecuniary benefit and gain, was the drawing of a long special act of incorporation for the Harlem River Suspension Bridge Company, which I drew, and, by zealous efforts, obtained to be passed by the legislature. The passage of this act, and the editorial notices of it, written and published by me, calling public attention to the Harlem river and the beauties of the Fordham Ridge property, were all designed to, and did, call attention to Morris's and your property, to advance its value, and in assisting the sale of Butler's and Archer's property, inuring to your benefit. [5] You were next, through my efforts and by my friends, made a presidential elector in 1856, on the national democratic ticket, to represent the district I have the honor to represent in Congress, though at the time you were not personally known to fifty of the democratic politicians of the district. Subsequently I remember proceeding to Albany in the winter of 1857, and there remaining up until near three o'clock one morning at the Delavan House, arguing with and endeavoring to persuade "your friend," Mr. Sickles, to support you for the collectorship, and to go against his friend, Mr. Schell; how well I succeeded in this the generous support given by him and myself, to say nothing of the support of five other democratic representatives from New York, to make you the collector, immediately after the inauguration of Mr. Buchanan, our acts and the newspapers of the day attest. You then proclaimed yourself "my candidate for collector." You wrote me, when detained in Baltimore by the unfortunate shot from Fowler's pistol, leaving your application for the collectorship and your whole case in my hands; and how zealously, efficiently, and honestly I supported you "your friend," Mr. Sickles, well knows. [6] After this, and last summer, though I would liked to have gone as a delegate to the democratic State convention myself, I stepped aside to vindicate your candidacy for collector, and to give you a *State* prominence in the party, and worked and achieved, single-handed, a victory for *you*. That in labor and money expended in triumphing over

the combined influence and opposition of Schell, and the custom-house, Mayor Wood, and Dr. Brandreth's money, for the time, I confess, gratified my pride in success, but made me more political enemies than you could make me friends during a presidential term. [7]

I have been constrained to refer to these things by your boasting reference to having done *more* for my friends and myself than I have done for you; and in making these references I have omitted to refer to the favorable notices of the performance of your official duties, puffs, &c., I have superinduced to be published "of and concerning you" in the New York Times and other newspapers for your especial gratification and benefit. [8] Now, let us examine the other sheet of the leger per contra, and see what you have done for me that has induced you to claim to have more than balanced my account. You appointed for me, as a politician and a member of Congress, Lawrence Cohane on the night watch in the assay office. He remained there until I obtained for him a better place, and during the whole time he was in the government employ he gave you *officially* and *personally* the greatest satisfaction. You appointed old Mr. Blauvelt for me as a doorkeeper or day watchman at two dollars per day. After my election you employed for a short time for me three honest, hard-working democrats—Messrs. Varian, Schouler, and Fitzgerald. [9] You must not charge Sharkey's appointment to my account, though I was pleased you made it, because you appointed him, as you informed me, of your own accord, and to receive back $25 you had loaned him; nor must you charge me with the appointment of "your subordinate," Peter Buckout. But last and not least, you appointed *my brother*, William E., to a clerkship, worth $1,250 per annum, made vacant by the appointment of Charles K. Graham to a better place upon my original suggestion, and by the efforts of "your friend" Sickles and myself. Well, I had supposed, until my attention was called to facts by your letter, that I had been quite *modest* in the small number of appointments I had asked at your hands. My brother's appointment I desired as a set-off to the appointment of the brother of the Hon. W. B. Maclay, who, if I mistake not, has been in the assay office since its establishment; and I knew that my brother had been an active and zealous democrat all his life, and had worked hard for the election of this administration, and supposed that, as "a member of Congress," I of right was entitled to receive *from you*, at least, the few appointments made, not more, I venture to assert, than other members of Congress have received from you, without, perhaps, having had them charged in your debtor and creditor account at so large an amount as you have claimed against me Still I will not in this letter harshly complain of your estimate of services rendered and friendship received, because I had never supposed for a moment, in always heretofore yielding to you as generous, as devoted, and as influential a friendship, *in my way*, as I have ever given to any man living or dead, that *you* would call forth the rendering of mutual accounts. [10] Having evidence to satisfy me that you made L. G. Morris a vice president of the administration "Lecompton meeting;" that you made him the administration stump candidate, in connexion with Lyon and Murphy, for supervisor, from the statements of Buckout

and others, and articles and communications in the "Union;" and considering the tone and character of your letter, to which this is a reply, I respectfully suggest that my honor and self-respect induce me to close with you all further relations and communications. [11]

Yours, truly,

JOHN B. HASKIN.

S. F. BUTTERWORTH, Esq.

The following are the annotations upon this letter when returned to Mr. Haskin by Mr. Butterworth:

[1.] This is an error. I made no such statement.

[2.] Error No. 2.—Mr. Buckout pronounces this statement of a conversation with him untrue. He says that when Mr. Tappen made the change he was acting under my direction. He pronounced him a damned liar.

[3.] No sacrifices have ever been made to further my political fortunes.

[4.] Mr. Buckout states distinctly that you did so boast and so threatened, and I have been so informed from various other quarters.

[5.] Item No. 1.—All this would be very plausible if Mr. Haskin was not an owner of real estate in Westchester, near this bridge. Too disinterested.

[6.] Item No. 3.—Support as collector. I acknowledge the effort to serve me, and though unsuccessful, have always expressed my gratitude.

[7.] Item No. 4.—Delegate to Syracuse. I did not seek or desire this position, and Mr. Haskin knows very well that I accepted it at his earnest solicitation. I feel no obligation for this service; never did.

[8.] Item No. 5.—Newspaper notices accepted as evidences of disinterested friendship. So considered and valued.

[9.] Varian and Schouler still here. The latter employed after the supervisor's election at the request of Mr. Haskin.

[10.] I distinctly stated in my former letter that my friendship for Mr. H. was not based on services received or rendered.

[11.] I did make L. G. Morris vice president; it is not true that I made him a stump candidate. I know nothing of the Union articles. I approve the tone and temper of my former letters, and since the receipt of this I am quite content to end an association which I regret ever existed.

S. F. B.

No. 83.

SATURDAY, *June* 9, 1860.

SAMUEL S. COX recalled.

The testimony of Joseph H. Geiger had been read over to Mr. Cox, and he desired to make a statement in regard to it; which he did, as follows:

I desire to say that Mr. Geiger is mistaken in saying that I ever had any meeting or communication with Governor Cobb or the President, such as he relates. I had no communication either before or after the passage of the English bill, that I remember, with Governor Cobb. I had but one interview with the President, and in that interview I asked but one favor of him, and that was that he should do me no favor at all, as I could not receive any nor ask for any. I made no remarks to Mr. Geiger about prospective favors from the President. I ask, in justice to myself, that Governor Cobb may be sent for. I have not talked with him about this matter, but I have no doubt he will confirm my statement in this regard. If the committee will not do that, I will then see Governor Cobb myself and report what he may say.

I remember having a conversation with Mr. Geiger about an appointment to New Mexico. But preliminary to stating that conversation, let me say that there was a gentleman in my district who was a route agent, if I remember aright, and wanted to resign and go west with his family, and he wanted an appointment as Indian agent. I told him I could ask no favors of the department at all. He asked me to find out if there was any vacancy, if I would do that much for him. I told him I would see the Secretary of the Interior. I saw the Secretary of the Interior, and he told me that there was no vacancy at that time. During my conversation with Secretary Thompson, he said that if the appropriation was made there might be an appointment to New Mexico of a judge to settle the title of lands there. I told him that would not suit my friend, as he did not understand Spanish, and I supposed that a knowledge of that language would be necessary. I had no further conversation with him upon the subject. I might have mentioned this vacancy to Mr. Geiger in the conversation I had with him, and may have said that he might have a chance for it; and I might have said that I had no doubt in my own mind that I could procure the appointment at that time if it had been advisable or proper to do so. But I had a settled policy in my own mind not to ask any favors of the administration. Mr. Geiger is correct when he says that I coincided with him in regard to my conduct in that respect.

Mr. Geiger is mistaken in saying that Mr. Miller was appointed postmaster at Columbus soon after the election. The appointment was made nearly two months afterwards. The vacancy was not made by my procurement, nor had I any anticipation that there would be any vacancy in that office. I had told Governor Medary that I had no wish to have him removed from the office. My friend, Mr. Miller,

had no idea of being reappointed to that office until the vacancy was created. The records of the post office will show this statement about the date of his appointment to be correct.

Mr. Geiger is also mistaken in relation to Mr. Evans, who went to the west to see my friends about my vote on the English bill. Mr. Evans had no connexion at all with the administration. He was a friend of mine, residing in my district, and was going home on a visit to his family. I was solicitous to know how my friends at home would regard this English bill. When the English bill was first shown to me, I set down at once that I was in favor of it. I mean now the first draught of it, which will be found in the "New York Tribune," but I cannot give the particular date without looking over the files. It was a direct submission, without any qualification, of the constitution to the people of Kansas. The "Tribune" at that time said that all the Douglas men were for it. That was just after the conference committee was raised.

[Mr. HASKIN, who was present, corroborated the statement of Mr. Cox.]

The bill was afterwards modified to suit some northern men, who would not go for the first draught. I hesitated about going for it as modified, as I think was the case with Mr. Groesbeck and the rest of the Ohio members. My inclination was against it, as I stated in my remarks in the House upon the English bill. Subsequently the bill was again modified to suit the views of some northern members, as I understood. If I had the bill here I could show the words that were thus inserted, which implied that the vote on the proposition should be a vote on the constitution. To that bill, so modified, I gave my assent, after a full conference with Governor Walker, who wrote me a letter approving my course.

Meanwhile, different versions of the bill had gone to the west, and different opinions prevailed among my friends in regard to it. At the time Mr. Geiger speaks of, when Mr. Evans went west, I was under the impression that I could not sustain the bill as I then understood it. But I finally concluded, notwithstanding the opinions of others, here and at home, to vote for the bill, believing that the people would justify it. The democracy of my district had sustained Judge Douglas, as Mr. Geiger states; but they subsequently sustained the English bill, and the democracy of the State did the same thing in their convention. I was re-elected on a resolution sustaining the bill, and I doubled my former majority.

I voted for the bill for the reason that it submitted the Lecompton constitution substantially to the people, giving them the chance to kill it if they did not like it. But at no time did I ever give in my adhesion to the Lecompton constitution. In voting for the English bill I had no other motive or inducement except, in the face of all opposition, to satisfy my own judgment and conscience. I received no favors from the administration of any kind until after my re-election; and then the only favor worth mentioning, that I know of, was the reappointment of my friend, Mr. Miller, to the post office at Columbus, whom, being in the same category with myself in the whole business, I would not desert, notwithstanding his wish not to be reappointed.

No. 106.

MONDAY, *June* 11, 1860.

JOHN W. FORNEY, called and examined.

By the CHAIRMAN:

Question. Colonel, it is unnecessary to ask you where you reside?

Answer. I reside in the city of Philadelphia.

Question. Your occupation?

Answer. I am editor of "The Press," Philadelphia.

Question. Your position here?

Answer. Clerk of the House of Representatives.

Question. What was your position during the canvass in Pennsylvania in 1856?

Answer. I was chairman of the democratic State central committee.

Question. Have you any remarks to make which would be preliminary or explanatory of your connexion with political affairs in that year?

Answer. I would like to say, if you would permit me, that my appearance before this committee, though not entirely unexpected, on account of discussions in the public journals, puts me in the attitude almost of desiring to know what I am to say. I know you will do me the justice to admit that I have not taken any part whatever in the investigations of the committee outside of my journal, in which I have very freely discussed its doings, as any other journal can do. My relations with Mr. Buchanan have been a subject of newspaper comment; and I presume I have been summoned by you on that account to be here this morning. I have carefully abstained from making any exposure of those relations. My connexion with him has been long, intimate, and of a confidential character, and the separation has been of the most painful nature; but as most of it concerned myself, I have not forced the matter upon the attention of the public, unless in self-defence; and therefore, in reference to the witnesses that have been examined here, I have been cautious to let them take their course. The testimony of Mr. Webster, given here, had been fully known to me, and, indeed, after he had volunteered once before to give the evidence which he did give.

The CHAIRMAN. It is due here that I should say that you never did give me any information with regard to Mr. Webster or anybody else to subpœna. I had to get all my information from others, and not from you, so that that will not need any further explanation.

The WITNESS. Only this, if the committee will permit me: I did not feel that I needed vindication against the charge made against me by Mr. Baker, the collector of the port of Philadelphia, before the special committee in the Senate, of which Mr. King was chairman. I felt that in the course I had taken against the administration, I had the approval of my own judgment; and although I am deeply grateful to Mr. Webster for what he said, and also for what the Hon.

Charles Brown said the other day, inasmuch as it has done a good deal to dispel unjust prejudices in the public mind, yet, if I had had my own course to take, I certainly should not have solicited either of those gentlemen to come here. I would also say that my coming before this committee was not of my own seeking. I had hoped that I might be spared, I will not say the trouble, of coming here at all; but as I am here now, inasmuch as my name has been used before another committee——

Mr. WINSLOW. I do not think any reference to what has been done in the other committee is proper here, unless we take their records.

The WITNESS. I understood that you allowed Mr. Baker to appear here and repeat his testimony before the other committee.

Mr. WINSLOW read to the witness so much of the testimony of Colonel Baker as referred to him.

Mr. ROBINSON thought it was due to Colonel Forney that he should be allowed to go on and state his connexion with the President, inasmuch as the testimony of Colonel Baker says that the cause of their difference was on account of his failure to get the post office blank printing.

Mr. WINSLOW requested the witness to retire while the committee consulted upon that subject.

The WITNESS. If the committee will permit me, I desire to say that the testimony of Colonel Baker was so unjust, and, I must add, so untrue, that for my own vindication I must go back and state my relations with the President from the time that I was elected chairman of the democratic State central committee of Pennsylvania down to the time when our difference took place.

[The witness then retired. After some time he was recalled, and informed that it had been agreed that his statement on that point might be taken, subject to the striking out of everything which the committee might deem irrelevant.]

The CHAIRMAN. Just commence at the commencement, and go on and state the history of the whole matter, as explaining your relations with the President.

Answer. After the nomination of Mr. Buchanan, (I was at Cincinnati helping, with others, to secure that result,) I was taken very ill, and resided at Lancaster with my mother, my wife being with me at the time. It was some time before I recovered sufficiently to go to Philadelphia and resume my connexion with the campaign. One afternoon I drove up to Wheatland, and found Mr. Buchanan sitting in front of his house, on the lawn, in company with my wife, who had preceded me, and he said to me in his usual kind manner, (for we had formed very close and intimate relations one to the other,) "I am very grateful to you for what you have done at Cincinnati and during all your life for me. I shall be elected easily." It was then believed that he would be elected easily; he was regarded as a conservative man, and he was confident himself of his election. "And now," said he, "in order to make your mind easy upon the subject, I want to tell you what my purposes are in reference to yourself. I design that you should go to Washington to take charge of the organ of my administration, should I be elected, and to take possession of the public print-

ing. This offer is voluntarily made, in the fulness of my heart, and I intend to stand by it." I was, of course, gratified and suprised. I did not expect that he would make such an offer, at least at that time; and we parted. We frequently met afterwards. The campaign began with a good deal of excitement, and in a short time the contest assumed an aspect which made it exceedingly doubtful whether he would be elected. But the election passed over. We carried by a close vote the democratic ticket in October; and after the November election he sent for me to Wheatland, and said, "I am sorry to inform you that I cannot call you to Washington." I ought to say in this place that I was for some time the assistant editor of the organ of the administration of General Pierce, and had a large interest in the public printing, which was just about becoming valuable to me when Mr. Buchanan became a candidate for the presidency. I could not sustain a double position to these two candidates—General Pierce and himself being in the field—and I threw up not only the partial control of the newspaper, but whatever interest I had in the public printing under him, and came back to Pennsylvania, at Mr. Buchanan's request, to assume the direction of the campaign. "I am sorry," said Mr. Buchanan, "that I cannot fulfil my promise to call you to Washington." I had my house here furnished—the house now occupied by Senator Trumbull, and owned by my wife, of whom Mr. Buchanan is still the trustee—and I of course felt very much shocked at this statement, and demanded to know the reason. Said he, "there are serious objections to you upon the part of a number of southern men." I said, "you have surrendered me." Said he, "I have been compelled to do so; a great trouble would take place in my administration if you came there, and I should be compelled to make another arrangement." I said that, however disagreeable the intelligence might be, it was conclusive; and he might rely upon it that he would hear nothing from me in opposition to his administration if he continued to stand by the principles upon which he was elected. He said, "there are many places which you can take under me." I said, "no! it is utterly impossible that I can bear any official relation to your administration hereafter; but I intend to give your administration a hearty and sincere support"—for I believed then that if there was a man on earth who would be true to his pledges, it was himself.

Subsequently I became the candidate of the democratic party for United States senator. He recommended me to the legislature through a friend, for that position, which I thought was an ample contradiction to the objection that he had allowed to be successfully made against me; because if he was willing to put me into the Senate, he certainly ought not to have objected to having me here as his newspaper representative, so to speak. I was defeated for that place; and then a very stormy demonstration was made in many quarters to put me before him for the cabinet. I took occasion at once to tell him that, acting on the determination which I had started out with, I was not a candidate for that place. Indeed, I went so far as to assure many kind friends that their persistent support of me for the cabinet was disagreeable to me and would produce trouble; that Mr. Buchanan had other objects in view, and my course was marked out. Shortly

before his inauguration, Mr. Buchanan wrote me a letter tendering me one of two places—the place of consul to Liverpool, and the place of naval officer at Philadelphia. I confess that I was surprised at the offer, and was somewhat indignant, and I declined it unhesitatingly. Either before that or directly after (certainly about that time) I was called upon by Mr. Wendell, at the Merchants' Hotel, in Philadelphia, first, and subsequently at Marshal Hoover's, in this city, when he renewed the proposition that the President had made to me in his letter, adding that anything else which I might wish I could have. He stated, further, that he was authorized to say that if I would go to Liverpool, or accept a foreign mission, I should receive ten thousand dollars in addition to the salary of consul or of a named foreign mission. Mr. Wendell had always before been identified with the opponents of Mr. Buchanan. During my intercourse with the administration of General Pierce—not because I had any hostility to Mr. Wendell, for we were always good friends, but because our relations were not of the most confidential character—I looked upon his proposition to me as a most extraordinary one. I thought Mr. Buchanan had, I will not say made a mistake, but I thought he had selected a somewhat singular friend to make that proposition to me. I knew then, as subsequent events have proved, that that money outside of the salary could only come from the profits of the public printing. In a subsequent conversation with Mr. Buchanan and with gentlemen connected with the cabinet, (for I was on the best of terms with them then,) I said to them that I was not entitled to that much money, that an inquiry would be raised, and that, although, as Mr. Buchanan suggested, I might correspond with newspapers, I never could make that much money by correspondence. Well, during the interim between that time and the establishment of my newspaper in Philadelphia, this offer was repeatedly made to me and repeatedly declined. At last, a number of gentlemen, with whom I was then and still continue to be intimately associated, thought it would be best that I should go abroad. I was at New York, where I received another letter from Mr. Buchanan; and in reply to that I proposed to submit it to Mrs. Forney, who was then here in Washington—that might have been in May, or thereabouts; and she was here, in ill health. I said "I do not want to make any trouble; I have no quarrel with Mr. Buchanan; I know he will do right as to his pledges made during the campaign and in his inaugural address, and I do not intend to make the mistake of warring upon him for personal considerations. He has chosen to violate his voluntary promise to me; but if Mrs Forney agrees to it, I will go abroad and get rid of this thing." I wish to say here that at that time I had no purpose, in case I went abroad, of accepting the ten thousand dollars offered to me previously by Mr. Wendell. The matter was referred to her, and, as I expected it would be, it was unhesitatingly and indignantly declined. I then prepared to establish my newspaper. All the money which I had saved under the administration of General Pierce was spent; I exhausted all my resources in the campaign, and I was compelled to call upon a few friends that I had to assist me in raising the means to establish my paper. Mr. Buchanan himself, when he saw

that I was resolved to do it, said: "You cannot establish a democratic paper in Philadelphia and sustain it." I told him I thought I could; if I had any ability in the world it was for that Up to that period we had had many good papers, but we had not had a progressive democratic paper there; and never anticipating any difficulty with him, I had hopes that I might so conduct the paper myself as to be enabled to secure the patronage of the administration and the confidence of the party. The money that was subscribed for that paper was raised by gentlemen outside of the administration. Mr. Buchanan himself offered, through Judge Black, one or two thousand dollars, which I declined, not desiring to be under any obligations to him. Now, that I was an applicant for public printing in the departments is wholly unfounded. That I would have taken the post office blanks at that time is true. I was at that time a practical printer. I was reared in a printing office; and I thought if that were offered to me, as it was constantly offered, it would be perfectly consistent with my trade and my paper to take it; but as to my ever asking for it, or taking any steps to secure it, with my present recollection the charge is most unfounded. Before starting my paper I prepared my introductory address, in which I asserted the principle of popular sovereignty fully; and so cautious was I not to get into difficulty with the administration and the party that I submitted that address to Judge Black in proof-sheets, telling him that if my allusions to Mr. Buchanan were not strong enough he should make them stronger; and he did amend that opening article; so I started my paper. Previous to the establishment of the paper, which was started on the 1st of August, 1857, Judge Black wrote me a letter, in which he said that I should continue to adhere to the principle of popular sovereignty, and that the administration would adhere to it. The paper was started, and its columns show how little I was affected by patronage or by disappointment, because I stood by every measure of the administration as fast as they were evolved, continuing to make a strong point upon the popular side of the Kansas question all the time. We had a governor's election going on. Governor Packer was the democratic candidate, and David Wilmot was the republican candidate. Governor Packer planted himself firmly on the principle of popular sovereignty, and by that more than any other means succeeded in completely defeating Mr. Wilmot. I may say that "The Press" was his most efficient advocate of that campaign. Shortly before the election—I do not recollect the date, but everybody knows the time—the Oxford and McGee frauds in the Territory of Kansas were exposed. I took strong grounds for Governor Walker and Frederick P. Stanton in my paper, and continued steadily to sustain them.

Mr. ROBINSON. And oppose those frauds?

The WITNESS. Yes, sir; I opposed the frauds. I had at that time a correspondent in Washington, Mr. McElhone, who was collecting information for my paper, and he gave me the very first intimation that my course met the disapprobation of the administration in that respect by writing me a letter; but I had become so fully committed to that line of policy that to abandon it would be to disgrace myself. This was a source to me of very great pain, because I then saw that,

unless I was tolerated in standing by that which I believed to be right, a difficulty with Mr. Buchanan's administration was inevitable. In the subsequent affair of Lecompton, which I regarded as a somewhat logical result of the rejection of these frauds—that is, the opposition of Governor Walker and Mr. Stanton to the Lecompton policy of the administration—I was on their side; and I think I may say that before Judge Douglas had taken his position publicly my paper had announced its course, and maintained it steadily to the end. I came to Washington very anxious to be on good terms with Mr. Buchanan. This was, I think, after the post office blanks had been disposed of; and I told him that I had been committed to this policy, and that it was impossible for me to change. He said he had changed his course because certain southern States had threatened that if he did not abandon Walker and Stanton they would be compelled either to secede from the Union or take up arms against him. I told him that toleration was all that we required; he could maintain himself in changing his course, but I, a single individual, could not. I wanted to be permitted to differ on this, sustaining every other part of the policy of his administration, to which he responded, No; that he intended to make his policy a test in the democratic party. I said: "Mr. Buchanan, if that is the case, we shall have to defend ourselves in the best way we can." Subsequent to that we had what I conceive to be a series of proscriptions, such as no civilized country has ever seen exercised upon independent men; and I took up arms in my State against those proscriptions. That is about all that I think pertinent to my relations with Mr. Buchanan. The rest is public. Any other questions which you have to ask I am ready to answer.

By Mr. ROBINSON:

Question. I will state that there is a discrepancy between the testimony of Judge Black and that of Mr. Webster—Mr. Webster stating that he held a conversation with Judge Black, who promised that if you would take a certain course in your paper you should have the printing of the post office blanks. Now, Judge Black says he did not make a promise of that kind, but told Mr. Webster that he and you must rely upon your own influence to obtain them. I want you to state what Mr. Webster communicated to you as being the language of Judge Black when he returned to Philadelphia.

Answer. Mr. Webster telegraphed to me to meet him at the Broad and Prime Street depot; I went up there and took my friend, Mr. McGraw, with me in the carriage, and when we got out there and Mr. Webster arrived, he said, "I want you to listen to what I have got to say." I was extremely sensitive about my position; I felt that I was right, and I did not want to be put in an attitude of abandoning that position. Said he, "you can get all that post office printing if you will write an editorial article as long as your hand expressing your determination never to become a republican." Said I to him, instantly, "Webster, for the seas' worth I could make no such declaration; I have done nothing that is wrong, and if having spent nearly a lifetime in the democratic party is not a sufficient assurance of my integrity I can give no pledges." McGraw said to me, "you are right;

you have answered just as your friends expected you to answer." And I understood Mr. Webster to say that he was authorized by Judge Black to make that proposition, and I always regarded Judge Black as having exclusive control of that post office printing. That it was done with the knowledge of Mr. Buchanan all through I have no manner of doubt.

[Mr. WINSLOW objected to the receipt of the affirmation of the witness that he had no doubt of the knowledge by the President of this proposition.]

Question. I understand you to say that you understood Mr. Webster to state to you that this was a promise from Judge Black?

Answer. Yes, sir.

Question Not that he would use his influence, but a promise?

Answer. I so understood it. I wish to remark that I do not know what my friend Charles Brown has testified to here, except in a general way; but I certainly regarded Mr. Brown, in his interview with the President upon that subject, as understanding the President as having treated on this matter of the post office blanks.

By the CHAIRMAN:

Question. I wish to ask you some questions with regard to money matters in Pennsylvania during the canvass of 1856. Had you, during the canvass of 1856, frequent interviews with Mr. Buchanan relative to the use of money in that canvass?

Answer. We had interviews.

Question. Can you refer to any of them?

Answer. I can refer to no particular one; there were many of them. We used money in that canvass, as all parties do, as parties are using money now.

Question. Did Mr. Buchanan make any objections to using money in the election?

Answer. No, sir.

Question. Had you any letters or despatches on that subject?

Answer. Never; not one.

Question. Then it was only conversations?

Answer. Conversations of a general character and wholly unobjectionable.

By Mr. WINSLOW:

Question. When was the senatorial election in Pennsylvania?

Answer. In January, 1857.

Question. I think you said that you had the assistance of the President so far as he could give it?

Answer. Yes, sir; I so said.

Question. Who was your opponent?

Answer. General Cameron.

Question. Do you know anything about any corrupt means being used to defeat you in that election?

Answer. I do not.

Question. When was it that Mr. Wendell made the proposition to you of which you speak?

Answer. I mentioned that in the testimony I have already given.

Question. You mentioned in the first place that the President wrote a letter to you, and that after that Mr. Wendell came to Philadelphia and there he made the same proposition to you?

Answer. I did not say that it was after the letter of the President; it was just about that time. The President wrote me a letter just after the senatorial election, and he wrote me another letter in the spring or summer following, which I received while I was in New York.

Question. Can you tell me the time that Wendell came to you?

Answer. I saw Mr. Wendell at the Merchants' Hotel, in Philadelphia, before the inauguration; I cannot tell the exact time; and I saw him during the spring or summer at Marshal Hoover's, here.

Question. I speak of this first proposition that he made to you?

Answer. I cannot fix the date exactly.

Question. Was it subsequent or previous to the President's letter to you?

Answer. I think it was previous.

Question. Do you know the date of the President's letter to you?

Answer. I received the letter in Harrisburg, on the day that the State democratic convention met and nominated Mr. Packer for governor. I got it at Buehler's old hotel.

Question. You say that you were surprised at Wendell's bringing the proposition to you, and you refused it?

Answer. I refused it, yes, sir.

Question. Did you look upon it as at all a dishonorable proposition?

Answer, (after a pause.) Well, it excited resentment.

Question. For what reason?

Answer. Because it came from Mr. Wendell, with whom I had not been on terms of close intimacy, and who had been Mr. Buchanan's steady opponent before.

Question. This was the ground of your objection at the time?

Answer. That was the ground of my objection at the time. But I ought to add that I could see no reason why so much money should be offered to get me out of the country.

Question. What I want to get at is whether you regarded the proposition as an improper one, a dishonorable one, such as one gentleman ought not to make to another? Or whether your resentment was founded upon the fact that it was such an offer as you ought not to receive?

Answer. I regarded Mr. Buchanan's proposition in the light of an insult in itself, and of course I could not regard its repetition by Mr. Wendell in any other light; much more so if coupled with the offer of money.

Question. Why did you regard the offer of the President as an insult?

Answer. For the reason that I had borne to him a relation of confidence; I had sacrificed years of time in his service; I had stood steadily by him, not only in the campaign which was concluded, but all before. And I looked upon his proposition to send me out of the

country, away from the friends who had served him and me, as in some sort a degradation, and it was so regarded by all my friends.

Question. That is not a reply to my question, whether you considered the proposition a dishonorable one.

Answer. I desire to say that in the spring or summer of 1857 I said that I was willing, in order to show to my friends that I was not desirous of making trouble, to go to Liverpool; that place having been held by a number of distinguished gentlemen, it could not have been a dishonorable proposition, because of the place; but it was a dishonorable one—it was a degradation to me, as I have just stated—inasmuch as it was made for the purpose mentioned.

Question. You do not apprehend me, I think; I speak of the offer of the place in connexion with this $10,000; did you consider that a dishonorable proposition?

Answer. Yes, sir; I did think that dishonorable.

Question. Did you know the value of the post office blank printing?

Answer. By common rumor only.

Question. Were you not aware of the value of that printing during Mr. Pierce's administration?

Answer. Well, sir, I was generally aware of it, but only from rumor.

Question. You never had any connexion with that printing then?

Answer. I received a portion of it, but I did not know how much it was worth.

Question. How much did you receive?

Answer. I do not know that.

Question. Who did the printing during Mr. Pierce's administration?

Answer. Judge Nicholson had it, I believe.

Question. How did you come to get a portion of the post office printing?

Answer. I think I received one-third or one-fifth of the proceeds of the post office blanks.

Question. Do I understand you that you cannot recollect the amount of your portion?

Answer. I cannot.

Question. How came you to get a part of the payment for it?

Answer. I was an editor of the Union, and I was a partner with Judge Nicholson.

Question. Were you Clerk of the House of Representatives during the whole term of Mr. Pierce's administration?

Answer. Yes, sir.

Question. What portion of that time were you editor of the Union?

Answer. Pretty nearly all the time.

Question. Do you recollect the precise time when you went into the Union?

Answer. I was a salaried editor of the Union during a portion of Mr. Fillmore's term; I think I was salaried for say three years; I cannot remember dates exactly; and I was interested in the public printing for some months before I left the paper and went to Pennsylvania.

Question. I think you said that you got one-third or one-fifth of this printing?

Answer. One-third or one-fifth, I do not remember which.

Question. Who got the rest?

Answer. Mr. Nicholson got one-third, I believe, and I do not recollect who got the other.

Question. Mr. Nicholson was then public printer?

Answer. Yes, sir, I think he was.

Question. And had the printing of the post office blanks?

Answer. I think so; I am not sure as to these facts, for I am somewhat careless about my own business relations.

Question. Do I understand you to say that you never applied to the administration for the printing of those post office blanks?

Answer. To my recollection, never.

Question. Did you ever make any intimation to any of your friends that you would accept that printing?

Answer. Yes, sir; prior to the offer by the administration, as a means of settling the differences between us.

Question. State when that was, as near as you can recollect.

Answer. That was before the difficulties about Lecompton.

Question. Do you mean the difficulties with the administration or inside of the party upon that question?

Answer. Yes, sir, of course; I could have no offers of that kind after I had refused to support Lecompton candidates.

Question. At the meeting of Congress in December you say you had taken your course in the "Press" in regard to that matter after the Oxford frauds?

Answer. Yes, sir.

Question. The President's general message at the commencement of the session was a public announcement of his course; was it before or after that general message?

Answer. It was before the general message, as near as I can recollect; Mr. Brown's visit to Washington, whenever made, was made on his own responsibility entirely.

Question. Which Mr. Brown?

Answer. Charles Brown.

Question. Then I understand you to say that this intimation to your friends was after the Oxford frauds were developed and before the general message of the President?

Answer. No, sir; I desire to say distinctly that at no period of time did I ever agree to accept any patronage or office from the administration when offered as a boon or condition to change my position on the Kansas question after I differed with them upon the Kansas question generally.

Question. That is the time that I want to fix; when did that difference commence?

Answer. The difference took place somewhere about September or October.

By Mr. OLIN:

Question. Before the meeting of Congress?

Answer. Yes, sir.

By Mr. WINSLOW:

Question. Was the visit of Mr. Webster here with your consent?

Answer. I knew he was coming, and told him that he had my honor in his hands.

Question. The visit, then, was made with your consent and approbation, you confiding in Mr. Webster as your friend having the charge of your honor?

Answer. Yes, sir.

Question. Can you state the exact words that Mr. Webster repeated to you when you saw him at the depot, as near as you can—the conversation he had with you?

Answer. I cannot, except as I have already stated.

Question. You cannot state the words?

Answer. No, sir; no further than I have already done.

Question. When were you elected clerk of the present House of Representatives?

Answer. Some time in February last.

Question. Were you in the city of Washington at that time?

Answer. Yes, sir.

Question. Do you recollect addressing a public meeting here then?

Answer. I do.

Question. Was that on the night of your election?

Answer. Yes, sir.

Question. [Handing witness a paper.] Will you look at this paper and see if it contains a correct report of your remarks?

Answer. [Examining the paper.] Yes, sir; this is copied into the "New York Herald," from the "Press."

The speech was then read as follows:

Speech of Mr. Forney.

Colonel Forney, upon his appearance, was greeted with enthusiastic cheering from those in the street and in the house. He spoke as follows:

CITIZENS OF WASHINGTON: I have but few words to say to you upon the events of this day. I desire to address them—to those inside as well as those outside of the hospitable home of my friend Coyle—in reference to what has transpired in the House of Representatives this afternoon. For this sentiment, demonstrated in my own person, I am most sincerely thankful to you, and I regard it as a testimony of approval of the result of the day's proceedings. I say, gentlemen, there is something peculiar in this demonstration; and, first, let me say, peculiar to myself. Gentlemen, four years ago this very evening, the House of Representatives of the United States, after a long and most harrassing session, was at last organized by the election of Nathaniel P. Banks, of Massachusetts, as Speaker. In the discharge of the duties of Clerk of that body—the same as performed by Mr. Allen, who retires to-day—I had the honor to receive, at the hands of the representatives of the people, a significantly unanimous endorsement; and now, by the expression of the representatives of the people, I am again

returned to the same position from which I then voluntarily retired, clothed with the confidence of the whole people of the United States. In these four years, gentlemen, many changes have taken place. I retired from the Clerk's chair in the year 1856 with my heart ardently beating to see the man whom I then conceived to be the favorite son of Pennsylvania elected to the presidential chair. Gentlemen, I had no higher hope in life beyond that—no aim or object. Then all was concentrated in the one absorbing feeling to see that man's aspirations carried out to a successful issue. I assisted in his triumph. I came back to the State where I was born, and there, with whatever selfishness was in me (if any) I gave it all to that man and to his cause; and the result was that he was elected President of the United States—to the high office of presiding, for a time, over the destinies of this great country.

We, in our part of the country, believe, gentlemen, that the District of Columbia is common ground—that it is mine, as it is your home. (Cheers, and cries of "That's so.") I believe, and I know, that I have a right to speak here, as I have a right to speak in Philadelphia—at least, that there can here be no ostracism and no proscription of sentiment; and that freedom of speech is here wisely and widely tolerated. When that is proscribed, when free men, from whatever State of the Union they may come, are denied freedom of speech in the splendid metropolis bearing the name of Washington, then your Union is virtually dissolved. (Cheers.) And therefore it is that in this place, and in this presence, I desire to say, that in electing James Buchanan we thought we acted in accordance with the spirit of the democratic party, which is to the effect that the people of the Territories shall control all their domestic institutions, slavery inclusive. (Loud cheers.) There had been no going back of the bond, but after his (Mr. Buchanan's) election, when his elevation to the chair of office was secured, he disregarded his pledges, and we discovered that a new reading had been suggested, a new gospel presented to our faith, and thus we who at first acted with him, never believing that we who had adhered to his faith should be excluded from the democratic party, were sought to be excluded. Consequently, the result has been as you foresaw. That result is, that the general government of the country has turned all its power against the men standing in my relation to it, and James Buchanan, elevated to be President of the United States, has become a despot. (Cries of "That he has," "Give it to him.") A despot more intolerant than any ever before known in the history of this country, who has performed acts of tyranny which, if attempted in despotic France, would create a revolution. (Loud cheers, and cries of "Good.") I say it with pain for Pennsylvania, that never in the history of the country, never in the annals of any President has there been such a proscription of men—never such a proscription of individual opinions. (Cheers.) When he was raised to that high position which he has disgraced—raised by the votes of the people of the North—he pledged himself upon bended knees to sustain the policy of self-government in the Territories. But now what do we see? Why, we see him turning against his own people and crouching once more upon his knees—this time before the South, that despises him for his cowardice.

(Cheers.) When I see all this, and when I see, also, that the great democratic party have not risen in arms to protest against it, I have only to say for myself that I, for one, will not submit to it. (Tremendous applause from inside and out.) I will not, I say, submit to it, but I will join hands with any party—with Americans, with republicans, with any party of men—to rebuke such proscription as this is. If you tell me from this, that therefore I am opposed to the institutions of the South, I say no. (Cheers.) And I reply, that on the contrary I feel the same devotion to the South that I have ever felt. (Continued cheers.) Now, let me say, without protracting these remarks, let me say with regard to the republican members, that they have been most atrociously slandered; that the whole republican party of the North have been slandered, in having been held responsible for the unfortunate outrage at Harper's Ferry. There have been expressions, and opinions, and sentiments uttered by the leaders of the republican party, against which my honest instincts and party prejudices revolt. But while this is so, let me say that the very moment that the news of that invasion reached the North they were struck with horror, and there was not a man who did not denounce and who did not deplore it. (Cheers.) We have in these days some singular statesmanship, particularly among those who are allied to the administration party, and amongst those who aspire to be candidates for the presidency. I say this business of holding a whole party responsible for the acts of a few individuals has gone out of fashion. Are the democratic party, who support the rights of the adopted citizens of the country, to be held responsible for the votes of their representatives in Congress here who voted for an American for Speaker? Certainly not. Hence I protest against the assumption that any part of the people in my region are in favor or would support any set of men who approve of the doctrines of the Helper book, or who put themselves forward as the champions of those who would attempt to invade the State of Virginia and crimson her soil with the blood of her people. (Loud cheers.) But we are told that while all other men are to be forgiven for their peculiar doctrines; that while the American party are to be forgiven, the republican party are to receive no absolution. If you allow me to say—but I think I will say it whether you allow me or not—(cheers)—the democratic party, as Mr. Buchanan would make it, is devoted solely to the perpetuation and extension of slavery. (Cries of "That so," and cheers.) But I, as one man who is resolved to stand by the rights of the South, who is resolved to see the fugitive slave law executed in the letter and the spirit, I am resolved, for one, to protest against such an act. (Loud cheers.) This country has a higher, a nobler, and loftier destiny before it than the extension or perpetuation of slavery. (Loud cheers.) I say it frankly, that I regret it is in existence. I speak as I feel, and when I see all the power of this government exercised for the protection and perpetuation of that institution, I must protest against it. (Cheers.) I have seen, for the last eight weeks, men, northern men, and I was ashamed to see them, lending themselves to the depravity, if I may be permitted to use the term, but certainly to the degradation, of indorsing such principles as these. But, gentlemen, to bring, as I said before, these

desultory remarks to a close, let me, in conclusion, repeat my thanks for this demonstration. You may remember this passage in "Mazeppa"—my friend, Mr. Jackson, of Kentucky, will also remember—when Mazeppa (I cannot repeat the exact words) is bound to a wild steed, which is turned off, and which flew with him over mountains, through valleys and forests and across rivers, pursued by wolves, shouts back to his tyrant and persecutor, that some day he would return to repay him. (Loud cheers.) "Some day I will return," said Mazeppa, "to thank you, Count, for this uncourteous ride." Gentlemen, I have had the ride for the last two or three years (loud cheers,) but I have also, Mazeppa-like, come back, to settle with the respectable and venerable gentleman at the other end of the avenue for that ride. I am returned to pay my respects. (Cheers. A voice—"Give him h—l; he has no friends.") I have returned to settle accounts with him. (A voice—"Don't spare him; he shot us down, like dogs, with marines.") If he is now sitting in his easy chair at home, to-night, he must hear our loud and hearty cheers, and they will remind him that his old friend, Forney, has come back to settle the old debt with him. (Loud cheers and laughter.)

[Mr. Forney, once more thanking the assemblage, retired from the window, loudly cheered.]

Question. You spoke of letters from Mr. Buchanan.

Answer. Yes, sir.

Question. Have you those letters?

Answer. Yes, sir, I have.

No. 103.

MONDAY, *June* 11, 1860.

JOSEPH H. GEIGER recalled.

By the CHAIRMAN:

Question. Have you seen your testimony and read it, and have you any further statement to make to the committee in regard to it?

Answer. I have read my testimony; I understand that Mr. Cox has testified since I was here, and with the consent of the committee I would like to be permitted to read his testimony; after having done so, I may ask leave to make some further statements to the committee.

[The testimony of Mr. Cox, as given on Saturday last, was then handed to the witness; after reading it, the witness then proceeded as follows:]

Mr. Cox says that I am mistaken in saying that he ever had any meeting or communication with Governor Cobb or the President. I did not say that he had any meeting with them, I only said that he told me so; I cannot swear to the truth of Mr. Cox's statements, but I positively swear as to the conversation that took place between us, and to his having communicated those things to me, which may or may not have been facts. In regard to the appointment to New Mexico, Mr. Cox spoke to Mr. James H. Smith, prior to making his ap-

plication to me, asking him whether he thought it would be proper to ask me to accept the appointment, and Mr. Smith advised him to be very cautious in applying to me. Mr. Smith is now here, and I would like to have him examined upon that subject; and since my examination here, Mr. Cox has admitted to Mr. Smith that he had such conversation with me in reference to that appointment; after I had been examined here I saw Mr. Cox out on the steps, and he asked me what I had testified to. I told him that I had had to cripple him considerably, and I told him what my testimony was. He said that he recollected all about what I had testified to, except that he had forgotten about the New Mexico appointment. "But," says he, "I recollect that now." He did tell me that he believed he could get the appointment for me, without any particular *ifs* or *buts* about it, if I wanted it. In regard to this Evans's matter: Mr. Evans lived in Newark, Ohio, but was employed in Washington city; he came to Columbus at the time I mentioned, from Washington city, and had a letter of two sheets, written full, from Mr. Cox to his friends in our district. Mr. James H. Smith and Charles Foster, the two editors of the "Statesman," Thomas Miller, Jacob Reinhart, editor of the German paper, Wayne Griswold, Colonel Anderson, of Licking county, and myself met together; we had a conversation of what was considered the Douglas democracy, or a small portion of them rather, in the district. This letter of Mr. Cox was written against the English bill. But, supposing that the majority of the Ohio delegation were in favor of it, he desired to ascertain whether, if he breasted the current, we would stand by him. We consulted a great while about the matter, but finally telegraphed to Mr. Cox to vote against the English bill, and go no further than to take Mr. Quitman's amendment. That telegraphic despatch was signed by the whole of us; Mr. Cox telegraphed in reply, that night, "I breath easier; Douglas will break ground against it to-morrow;" "break ground," or, "come out against it rough-shod," or something of that kind. Well, the morrow came, and Mr. Cox voted for the English bill on its passage.

With regard to the post office at Columbus I have nothing to say, except that the quarter commences on the 1st day of December, and no matter how soon Mr. Miller was appointed after the election, he could not take possession of the office till the beginning of the next quarter, which was the beginning of the December after the election, and Mr. Miller got possession of the office as soon as he regularly could after Mr. Cox was re-elected.

No. 96.

MONDAY, *June* 11, 1860.

JAMES H. SMITH recalled.

Question. Did you have any conversation with Mr. Cox in regard to his offering to procure a place for Mr. Geiger? If so, state when it was, and all that you know about it.

Answer. I wish to state, as preliminary to answering that question, that I did have a conversation with Mr. Cox in regard to procuring a place for Mr. Geiger. The conversation was not designated as private at the time it was held, but I shall feel bound to treat it as private; I do not say that because I consider anything that transpired then to have been of an odious nature at all. I simply feel some hesitancy in speaking of private conversations.

Question. Do you yourself say that there would be a violation of any privacy in stating the conversation?

[Here a member of the committee suggested that the matter could not be considered private, as testimony had already been given about it.]

Answer. Well, I will state about it. In the month of June, perhaps—I will not be positive as to the time, but it was before the close of Congress in 1858, Mr. Cox returned from Washington to Columbus; Mr. Geiger and myself met him very shortly after his return, of an evening, and we took a walk together in the direction of my house; I talked about the political difficulties the party had been in, and especially about Mr. Cox's vote for the English bill, and its effect upon his anti-Lecompton friends out there; we got to my house and conversed a few moments in front of the house, Mr. Cox and I stepped into the house and Mr. Geiger went on home. In the course of a long conversation, I think, on that evening, Mr. Cox spoke to me of an appointment of commissioner to New Mexico to settle some disputed claims there between the government and other parties, specifying the amount to be, I think, from $200,000 to $300,000, or in that neighborhood. As I gathered from Mr. Cox, it was considered rather a desirable place. He asked me whether or not it would be a good thing to appoint General Geiger to go out there as commissioner. Perhaps he mentioned other names, but I remember that of General Geiger distinctly; I replied to him, that I should be very glad if he could get General Geiger a good appointment, that nothing would gratify me more, but that he would have to be very particular, and treat the matter with some delicacy in suggesting it to Mr. Geiger, for I thought he would take it, perhaps, as offensive, if he was required to abate his hostility to the President in accepting anything of the kind; that is all I remember about it now, I believe.

Question. Did Mr. Cox state anything about having it in his power to get that place?

Answer. I cannot be positive about the terms he used, I can only speak of the substantial impression the whole thing made upon my mind. I understood that Mr. Cox considered that he might control the appointment, though I cannot say that he spoke with positive certainty about it.

By Mr. ROBINSON:

Question. Will you state what you know about Mr. Evans bringing a letter from Mr. Cox to your district?

Answer. I think that on the 26th or 27th of April, 1858, Mr. Evans arrived in Columbus, bearing from Mr. Cox a written memorandum of the views entertained of the English bill by the democrats

in Congress, giving the arguments that were made use of by both Lecompton and anti-Lecompton men—the anti-Lecompton men especially, and, according to my recollection, dwelling at length upon the arguments urged against the bill by Judge Douglas. This paper was submitted to leading democrats from the three counties composing Mr. Cox's district, who, as I understood, were called together for the purpose of hearing it read, and of advising Mr. Cox upon the subject of his vote upon the English bill; we met at the American Hotel, and considered the matter with all the care we could, and finally united in a despatch to Mr. Cox, which was written by Mr. Charles J. Foster, advising Mr. Cox to vote against the English bill, and, perhaps, giving one or two reasons for it; and advising him further to work for General Quitman's resolution in regard to the necessary population for the admission of new States. On the 27th of April, Mr. Cox telegraphed in reply, to some person of that meeting, to the effect that he breathed freer, that it was all right, and that Douglas would denounce the English bill the next day; that is as far as I remember now about the matter.

Question. In this letter that Evans brought to you there, did Mr. Cox give any intimation whether he thought he ought to go for the bill, or ought not; or was it merely a letter asking your advice?

Answer. This paper was considered by us all, at least I know I thought so, to evince a strong inclination on the part of Mr. Cox to oppose the bill. It was not a letter, however; it was a paper, or memorandum, simply, addressed to no one in particular.

Question. And from it you gathered that his inclination was against the Engish bill?

Answer. Yes, sir.

By the CHAIRMAN:

Question. There has been something said here about some $6,000 of post office blank printing to be given to the Ohio Statesman. Will you state what was said about it at the time this written paper was gotten up by Mr. Miller and Mr. Medary? Was it mentioned in that written paper, or was it an outside arrangement? State your own recollections, and not the impressions that have been made upon your mind by others since that time?

Answer. I do not think I can do that precisely. When I was subpœnaed to attend before this committee, or within two or three days afterwards, various persons asked me if I had any idea what I was to be examined about. When I was first asked, I did not have any definite idea about what was to be asked me; but I learned in conversation with some persons that I was to be asked in reference to a written paper which I had seen, and concerning which Mr. Miller has already given testimony here. Within a day or two I met Mr. Miller and Mr. Medary, who both had learned of my being subpœnaed here, and I told them I had been informed I was expected to testify in regard to that paper.

Question. What I want to know is, what were your recollections about that paper?

Answer. My recollection then was that the subject of the post office blanks was mentioned in that paper.

Question. And the amount?

Answer. I did think the amount was. But after conversing with Mr. Medary and Mr. Miller in regard to the general contents of the paper, and especially as to that point about the post office blanks, I became perfectly convinced that my recollection had been at fault on that point. I will explain how I must have obtained the impression. When Mr. Miller returned from Washington with that paper he showed it to me.

Question. Were the three names to it then?

Answer. Yes, sir, they were; I read it over once rather hastily, but sufficiently to understand it at the time, and immediately handed it back to him, stating certain objections to it that I entertained on my own behalf. Mr. Miller and I had some conversation about it at his house where I first saw it, and in that conversation Mr. Miller told me that it was understood that there were about $6,000 worth of post office blank printing to be given to some paper in the west; that he had been informed that Faron & McLean of the Cincinnati Enquirer were endeavoring to get it, but that as Mr. Faron had been or was about to be appointed postmaster at Cincinnati, the Statesman might legitimately apply for it. I now think that I might very easily have supposed, from the conversation and only the one reading of the paper, having seen the paper but once, that this subject of the post office blank printing was specified in the paper. But, as I have before stated, I am now convinced that it was not.

Question. Convinced from these late conversations with Mr. Miller and Governor Medary?

Answer. Yes, sir; I am satisfied that their recollection about it is correct.

Question. But until quite lately it was always your impression that that subject was mentioned in that written paper?

Answer. Yes, sir; until within two or three weeks; but I am satisfied now that it was not so. I never saw the paper but for the single reading I gave it, and then I handed it back to Mr. Miller.

Question. What was said, at the time this post office blank printing was talked of, about the "Statesman" giving the administration its support?

Answer. In the written paper?

Question. Yes, sir.

Answer. There was something said about the course of the "Statesman" towards the administration—whether the post office blank printing was mentioned in that paper or not.

Question. Was that in the written paper?

Answer. There was something said in the paper about the course of the "Statesman" towards the administration. It appeared to me that it stipulated—I can think of no better word than that now—that the paper should give an acceptable support to the administration, or something of that kind. The phrase might have been "a fair and honest support to the administration."

Question. Who was to be the judge of whether that support was acceptable or not?

Answer. It did not say.

Question. When this proposition—no matter how made, whether verbally or in writing—was made about the post office blank printing, was it not expected, according to your recollection, to have some influence upon your course in supporting the administration?

Answer. I cannot say that it was expected to have any influence upon the course of the "Statesman," because I cannot swear what was expected by others.

Question. What would you have expected if you had turned round and supported the administration heartily?

Answer. I expected nothing, because I never intended to turn round and support the administration heartily.

Question. By that arrangement you were not required to remove Mr. Foster from the editorial department of the "Statesman?"

Answer. All that was said in that written paper about the editorial department of the paper was, that Mr. Smith (myself) should be the sole editor of the paper. Mr. Foster had been acting before that as my assistant editor, and so continued to act after that until I left the paper myself.

By Mr. OLIN:

Question. That stipulation was for the purpose of removing Foster?

Answer. I cannot, of course, swear to the purpose of others. I give you the facts.

Question. Do you know any other purpose than that?

Answer. No, sir.

By the CHAIRMAN:

Question. Mr. Foster was a decided Douglas man, was he not?

Answer. Yes, sir; and so was Mr. Smith.

Question. It appears, then, that you did not give a hearty support to the administration, and that you did not get the post office blank printing?

Answer. It certainly does so appear; but whether as cause and effect, I cannot say under oath.

Question. I understood you to say a little while ago that you had not given it a hearty support.

Answer. I did not give it a hearty support on the question upon which we differed from it; so far from it, I opposed it very strenuously upon that question.

Question. Did you or not get the post office blank printing?

Answer. No, sir; we did not get it, and I never believed we would get it.

Question. Do you know any other reason why you did not get the post office blanks than that you declined to give the administration a hearty support?

Answer. I do not know that to be the reason; but I did not expect to get it.

Question. That is going away from the question. Do you know any other reason?

Answer. I do not know any other reason and I do not swear that to be the reason.

By Mr. OLIN:

Question. And, upon the whole, you do not know the reason why you did not get it?

Answer. No, sir; upon the whole I do not swear why we did not get it. And I wish to say here, in addition, that I never believed that while I held possession of the "Statesman" and controlled it editorially, it could be placed in such a position as to be recognized as an administration paper. I was an ardent Douglas man; an ardent anti-Lecompton man; and, though giving a qualified support to the English bill, I never wished my paper to be considered as an organ of the administration, as it is termed. And I wish to add further, that the "Statesman," to my knowledge, never received any patronage from the administration, except some $100 or $140 worth of advertising, a portion of which came to it during the Lecompton controversy. And no one in connexion with the paper, with my knowledge or consent, ever made any contract or had any understanding by which patronage was to be received from the administration.

No. 83.

MONDAY, *June* 11, 1860.

SAMUEL S. COX recalled.

[The testimony of Mr. Geiger, given to-day, was read to Mr. Cox, at his request, and he then proceeded to make the following statement:]

It was not my intention to impeach Mr. Geiger's statements as to what he understood me to say. As to the name of the cabinet officer, I suppose he misunderstood Mr. Cobb for Mr. Thompson. It was a desultory conversation, and such a misunderstanding would be very natural; or I might myself, in the looseness of conversation, have mentioned the wrong name. At any rate, it is a matter of very little consequence. I am assured by Governor Cobb that he will state here that I had no such communication with him, either before or after the passage of the English bill?

As to Mr. Evans and the meeting of my friends in Columbus, I wish to say that when Mr. Evans went home, which was on a Sunday, I gave him a letter containing the points for and against the English bill; the points against it, as made by Judge Douglas, and the points for it, as I understood them. As the bill then was I stated my inclination to be against it. It will be understood that the bill was changed afterwards before I asked for it. Mr. Evans went home on Sunday; the bill was not passed till the next Friday. I think I got

the telegraphic despatch from my friends on Tuesday morning; and in the form which the bill was when I received that despatch I was opposed to it. Subsequently it was changed to suit the views of myself, Mr. Grosbeck, and others.

TUESDAY, *June* 12, 1860.

CORNELIUS WENDELL recalled.

By the CHAIRMAN:

Question. Will you state to the committee whether at any time you were authorized to make any propositions to Colonel Forney with regard to his going abroad?

Answer. Yes, sir; I may say I was.

Question. What proposition did you make to him?

Answer. I would not like to put it so broad as to say that I was *authorized* to make the proposition to him to go abroad; but I was induced to urge him to accept the Liverpool consulship.

Question. And what other place, if any?

Answer. If my memory serves me, he had his option of the Liverpool consulship or the Berlin or Vienna mission, I forget which.

Question. Was it the place that J. Glancy Jones now has?

Answer. I am not positive as to which of the two places it was.

Question. Did you not carry a large sum of money for a considerable length of time to give to Colonel Forney, in the event of his accepting the place abroad? If so, state how much, and for what length of time you carried it.

Answer. I carried $10,000, for the purpose of giving it to him, for some three weeks—nineteen days, if my memory serves me, I think it was.

Question. By whose authority or instructions?

Answer. Well, sir; it might be said to be by the President's?

Mr. WINSLOW. Give us facts, now.

By the CHAIRMAN:

Question. You will state the facts, if you please.

Answer. The President was desirous to have Mr. Forney go abroad, and tendered him, as I understood from him, either the Liverpool consulate, or the Berlin or Vienna mission, one of the two. In a conversation as to amount of compensation he would receive if he went abroad, the suggestion was made that he might participate in the public printing. And, after several conversations, it was agreed that he should have a certain amount of the printing, which should make

his salary equal to $20,000 or $25,000 per annum. This difference, over what his salary would be, was to be paid from the public printing. Mr. Forney declined at first, and, among other reasons, stated his inability, in a financial point of view, to leave. I finally agreed to raise $10,000 in advance for him, and did raise it; and, as I stated before, I carried the money for nineteen days, until he at last totally refused to go.

Have you stated the connexion Mr. Buchanan had with that matter, or his relation to it?

Answer. I have stated the results growing out of the conversations with him, as to Mr. Forney's going abroad.

Question. Had you any direct conversation with Mr. Buchanan relative to giving Mr. Forney that money?

Answer. The advance? I do not remember whether that fact was stated or not.

Question. Were you authorized to guarantee, or did you do it on your own responsibility, that the amount of his pay should be $20,000 or $25,000?

Answer. I was in a measure authorized to make an arrangement to pay him some sum out of the proceeds of the public printing.

Question. Authorized by whom?

Answer. By the President.

[The witness and the stenographer of the committee were requested by Mr. Winslow to leave the room, which they did. After some time they were recalled, and the examination of the witness was resumed as follows:]

By Mr. WINSLOW:

Question. Are you confident that this excess of money to Colonel Forney, over and above his salary, was to be raised from the public printing, or was something said about his corresponding with the "Union" and other newspapers?

Answer. There was.

Question. Were you the proprietor of the "Union" at that time?

Answer. Yes, sir; I think so.

Question. And that was the way the excess was to made up to him?

Answer. He was to be engaged as the correspondent of the "Union;" I remember it now distinctly.

Question. You made that proposition to Mr. Forney, you said, in a measure authorized by the President. Will you say in what measure you were authorized by the President?

Answer. I cannot give you the exact words. The business negotiations with Mr. Forney were based upon conversations with the President. But the exact details of those conversations I could not give.

Question. That was the result of those conversations?

Answer. Yes, sir.

Question. And you say that Mr. Forney, among other reasons, declined on account of his financial difficulties, which would prevent his leaving the country?

Answer. Yes, sir.

Question. Did Mr. Forney ever make any objection to this offer of money as a dishonorable proposition? Did he treat your proposal as a dishonorable one?

Answer. No, sir.

Question. Did he get indignant, and say "I consider your proposition a dishonorable one?"

Answer. No, sir; he treated it as a business negotiation.

Question. He said he could not go on account of his financial affairs?

Answer. Yes, sir; and I agreed voluntarily to advance $10,000 to meet that objection.

Question. What did he say then?

Answer. He in a measure agreed; and for some ten or twelve days I thought he would go.

Question. But at the end of the nineteen days you say he declined going?

Answer. Yes, sir.

Question. Was the money you raised furnished by the President, or any government officer?

Answer. No, sir; on my own credit; but I intended to be reimbursed from the profits of the public printing, which was to be continued to me.

Question. You were a friend of Mr. Forney?

Answer. Yes, sir.

Question. And a friend of the administration?

Answer. Yes, sir.

Question. And your anxiety was to benefit both?

Answer. Yes, sir; the President was desirous for that to be done, and I fell in with it.

Question. And you thought it for the good of Mr. Forney and of the party to have him go?

Answer. I would say that I was really solicitous, outside of this, to have Mr. Forney go, and thought it better for him that he should go.

And I wish to state now that my testimony may, in some respects, look a little contradictory; so much has been said here, so many questions asked by the one side and the other, that it may make what I said look a little confused. I have been abused in the Senate for my testimony before that committee, and I expect to be here, but I am ready for it. I have endeavored to state nothing but the truth, and what I have stated I believe to be the truth.

No. 92.

FRIDAY, *June* 8, 1860.

Hon. JACOB THOMPSON called and examined.

By the CHAIRMAN:

Question. Are you Secretary of the Interior?
Answer. I am.
Question. During the year 1857 Mr. Martin was sent from your department to Kansas?
Answer. He was.
Question. Will you state what conversation you had with the President previous to his going, relative to the submission of the slavery clause in the constitution of Kansas?
Answer. I must except to that question. I am the President's constitutional adviser, and when you ask the question in that form you imply something which I might be unwilling to admit. So far as any conversation has taken place between me and the President, I could not admit your right or any man's right to demand that it should be made public.
Question. Will you tell us out of what fund Mr. Martin was paid for that service in Kansas?
Answer. Mr. Martin was at that time a clerk in the General Land Office. When the public service requires an agent to be sent from the department, and a clerk is selected for that purpose, the uniform practice of the office is to allow his salary to continue, and to allow him, in addition, his expenses, or a commutation therefor. In this case Mr. Martin acted as the agent of the bureau of Indian affairs and the General Land Office; and the expenses of the trip were divided between these two bureaus, in what proportion the records of the office will show.

By Mr. WINSLOW:

Question. He was paid by the Interior Department?
Answer. Yes, sir, of course. What is done by the bureaus is considered as done by the department.

By the CHAIRMAN:

Question. Did he get pay for more than one service?
Answer. No, sir. If he had claimed and received double pay for the same service he would have been dismissed from office without hesitation.
Question. Can you explain why it was he got a friend to make application to General Cass, at the State Department, and use his influence to get pay from that quarter?
Answer. I think I can explain that matter. In October or November, 1857, probably in October, he went to Kansas as the agent of my office. He returned about the first of December, having completed his duties as agent. Soon after his return, I was informed that the State Department desired to send despatches to Kansas, and

was called upon to name a proper person to be assigned to that duty. I designated Mr. Martin, who was then charged by the State Department with the delivery of those despatches. On this trip he was the employé of the State Department, and not of the Interior Department. Of course, his pay, or allowance for expenses, for this second trip was chargeable to the State and not the Interior Department. But how much he was paid by that department I do not know, and have never inquired into.

Question. Did you make it a particular point to send him at the time the constitutional convention was to meet in Kansas?

Answer. Public business required an agent to be sent from the office about that time, and I was very willing to avail myself of the occasion to select an agent—who would necessarily be thrown in contact with the members of the convention—whose views would harmonize with my own. Of course, then, I desired him to go at that time.

By Mr. WINSLOW:

Question. You have read the testimony of Mr. Martin, have you not?

Answer. Yes, sir; I have read it as published.

Question. So far as that testimony has stated circumstances mutually connected with both of you, is it correct?

Answer. As far as my knowledge extends, it is correct; I would take no exception to anything he has said; it is substantially true.

By the CHAIRMAN:

Question. Now, will you state whether or not you had anything to do with drawing or preparing the slavery clause for submission, or whether you made suggestions to him to induce him to do so.

Answer. Your question raises two points. The first is, the manner in which the slavery clause should be drawn up; the second, the form of submitting that clause to the people. I had much discussion about that time with various individuals as to the manner in which the slavery clause should be drawn. There were private conversations in which great difference of opinion existed. My object was to secure the question of slavery, and yet secure the coöperation of the free State and pro-slavery democrats. On this subject I expressed my opinions freely with Mr. Martin, so much as to the form and manner in which the clause should be drawn. *I drew nothing*, but expressed myself as willing to accept anything which would harmonize the democratic party in Kansas. As to the question of the submission of the constitution, I never had, or expressed, but one opinion. I uniformly opposed the submission of the slavery clause as an isolated proposition, because I believed it the weakest form in which the question could be presented. At the time Mr. Martin started for Kansas there was impending over this country the most threatening question ever presented to the American people. Several of the southern States had held public meetings, in which they had urged the constitutional convention of Kansas, which was known to be pro-slavery, to adopt a pro-slavery constitution, send it to Congress, and demand admission. I had taken the ground that the convention possessed the power to make a complete and valid constitution without submitting it to the

people, yet that it would be most unwise and impolitic, under the circumstances, for the convention thus to act. Had the issue been presented in that shape, this Union would have been in peril, and that I knew full well. Every effort of mine, therefore, every advice I gave, was directed to but one end—so to arrange the slavery clause in the constitution that the free State and pro-slavery democrats who, united, were, in my opinion, in a majority in Kansas, could harmonize and sustain the constitution, when made, by a popular vote. These were my views, and I urged and enjoined upon Mr. Martin that whatever influence he could exert should be directed to carry them out.

Question. If I am right, the instructions of Mr. Martin were to attend to some business for the Interior Department.

Answer. Yes, sir.

Question. Was any of that at Lecompton, where the convention met?

Answer. Yes, sir. Grave charges were pending against the land officers at Lecompton, which he was instructed to investigate and report upon.

By Mr. WINSLOW:

Question. Mr. Martin represented that your wishes to him were to exercise his influence, if possible, for the purpose of the out-and-out submission of the constitution. Is he correct in that?

Answer. He is correct in that.

Question. You state that you prepared no programme?

Answer. I neither prepared a programme, or saw one prepared, or in any way drawn up by any member of the administration.

Question. Did you see any prepared by any other person?

Answer. In the spring of 1857 Mr. Isaacks showed me a plan which you might possibly consider a programme.

Question. Is he in this city?

Answer. He was in this city a few days since.

Question. Was it similar to this plan which was adopted?

Answer. No, sir; it was very unlike it. That looked more to the form in which the phrase respecting slavery should be inserted in the constitution, in which I dissented from him and from other friends, who he informed me approved it.

Question. Did you give your views to Mr. Martin about the submission of the slavery clause?

Answer. I freely gave to Mr. Martin my views how the slavery clause should be drawn; but all my conversations were based upon the distinct and well-understood idea of submissiou. Every variation of the clause was considered with a view to submission. The perplexing question was, how it could be done, so as to meet, as far as might be, the dissenting and conflicting opinions of those supposed to be aiming at the same end, and at the same time protect the rights of property to the owners of slaves then there. This was the great point to be gained.

By Mr. ROBINSON:

Question. You desired to harmonize the democracy?

Answer. That's the purpose I had in view.

Question. And so to frame the constitution as to harmonize the conflicting opinions of democrats in the Territory?

Answer. Yes, sir.

By Mr. WINSLOW:

Question. Do you know of the use of any money by the President of the United States, or any member of the cabinet, towards the passage of the Lecompton bill?

Answer. That question, which I will answer, implies, I think, a reflection upon my honor. If I knew such a thing to be done by any man in authority I should feel myself degraded if I concealed it.

Mr. WINSLOW. So I should suppose.

The WITNESS. If I knew that money was corruptly used to effect any legislation by Congress, or to secure any action by the executive officers, by any man—even the best friend I had on earth—I would expose it; and to imply that I had some knowledge of such a transaction, and that it was necessary to put me on my oath and a direct examination to extract the exposure, is an insinuation upon my character—a reflection that I am not guided by those high punctilious principles of honor and honesty which I have ever professed from my boyhood.

Mr. WINSLOW. You understand me as asking the question merely as a matter of form.

The WITNESS. I know the motive that actuates *you*, and am satisfied.

J. THOMPSON.

No. 109.

TUESDAY, *June* 12, 1860.

Hon HOWELL COBB called and examined:

[The testimony of Hon. S. S. Cox, given on the 9th and 11th instant, was read to the witness, and the substance of Mr. Geiger's testimony was stated, so far as the witness was referred to.]

By Mr. WINSLOW:

Question. Did you ever have an interview with Mr. Cox upon the subject of the Lecompton bill? Did you ever invite him to an interview with you upon that subject; and if so, did you have such an interview?

Answer. Pending the question of the Lecompton bill, my friend Mr. Jackson, member of the House from Georgia, stated to me that he believed Mr. Cox had great respect for my opinions, and he thought I might have some influence with him by having an interview with him in reference to the Lecompton bill; which I very readily assented to. But Mr. Jackson afterwards informed me that Mr. Cox declined to have any interview with any member of the administration pending that question, and therefore I have no recollection of having seen him or spoken to him at all about this or any other ques-

tion during that time—certainly not upon that question. The statement that he called to see me afterwards, and in company with myself called upon the President, is a misapprehension somewhere-I cannot say where. Mr. Cox may have called upon me, and we may have had a conversation after that time. I do not recollect distinctly what conversation I had with him. Certainly I never went with him to see the President, nor did I ever have a conversation with him and the President about that or any bill, as far as I can recollect.

Question. Do you know of any fact or circumstance affecting the political integrity of Mr. Cox, touching the Lecompton bill or English bill?

Answer. I do not, sir.

Question. Do you know that touching, any member of Congress?

Answer. I do not, sir; not the slightest.

Question. It is necessary for me to ask you the question, whether you know of the use of money by the government corruptly or in any way to secure the passage of the English bill?

Answer. I do not, sir; nor do I believe that such an idea ever entered the mind of the President, or any member of the administration, until the charge was made. My knowledge of the high and pure character of the President utterly precludes such an idea.

Question. Have you read the testimony of Governor Walker? Do you know the substance of it?

Answer. I read it at the time it was published; I think I saw the most of it at any rate.

Question. Have you read the testimony of Mr. Martin, taken before this committee?

Answer. Yes, sir; I have read that too.

Question. Mr. Martin states in his testimony that he bore from you a letter to a gentleman by the name of Hugh M. Moore, in Kansas?

Answer. Yes, sir; Hugh M. Moore was a member of the Lecompton convention, and I think vice-president of that convention. He was an acquaintance of mine, who had moved from Georgia there.

Question. Where does he now reside?

Answer. He now resides in Georgia.

Question. Would you have any objections to stating to the committee the general tenor of that letter to Mr. Moore? Mr. Martin says that the letter was read to him, or that he was suffered to read it.

Answer. I can only state the object of the letter; I recollect distinctly why I wrote the letter. It was, perhaps, a letter of some length, and I have not seen it since that time; I do not know that I have a copy of it: it is doubtful whether I have. The object of the letter was to urge upon Mr. Moore the submission of the Lecompton constitution to the people for ratification. That was the point of the letter; I endeavored to argue it with him. I did not know what his views upon the subject were; but that was to be a subject of discussion, and I entertained the opinion myself that it ought to be sub-

mitted, and that it would relieve a great many of the difficulties and embarrassments of that convention to have it submitted; and this letter was, as I now recollect it, as urgent and strong an argument as I was capable of making in favor of the submission of the constitution to the people.

Question. Do you mean what we call out-and-out submission?

Answer. Yes, sir; the submission of the entire constitution. The manner in which it was submitted to the people I never had heard suggested until I saw that it had been adopted there.

Question. Was Mr. Martin charged with any errand or message from you, or any paper or writing purporting to be a draught of a constitution, which he was directed to press upon the people of Kansas, instead of out-and-out submission?

Answer. I never saw any draught, or heard of any draught of a cons titution. The only question that I discussed in conversation with Mr. Martin was the one which I discussed in that letter; and that was, to press upon the convention the propriety of the submission of the constitution.

Question. Do you know of any programme or writing of that kind having been sent out by the President or any member of the cabinet?

Answer. I do not.

Question. Have you any reason to believe that it was done?

Answer. I have not.

Question. Had there been any change of the views of the President and the cabinet upon this subject, it is probable that you would have known it?

Answer. It is probable that I would. I was looking with great earnestness to see what would be the action of that convention, and when the news was received it was considered that, as the only question at issue—the slavery question—had been submitted, the material point had been attained; and it was regarded as virtually carrying out the policy of submission.

Question. Are you acquainted with John W. Forney, Clerk of the House of Representatives?

Answer. Yes, sir.

Question. Do you know whether Colonel Forney, at any time after the inauguration of the President, was an applicant for an office under the President, or within the gift of the administration?

Answer. I was on terms of very great intimacy with Colonel Forney, and was sincerely anxious to serve him in any way I could. I met him on a good many occasions, I cannot say how often, between the time of the inauguration of the President and the time when he finally became a violent opponent of the President, personally, and of the administration; and during that time I had interviews with him, with a view to serve him in any manner I could. My memory is not very good about dates, but according to my recollection, both before and after Colonel Forney established his paper, "The Press," he was extremely anxious to get the post office blanks printing, and I was equally anxious to obtain it for him. He frequently pressed upon me this application, and I pressed it upon the administration—upon the

President. I regretted very much at the time that it could not be obtained, and I expressed to him during these interviews the hope and belief that I would be able to obtain for him that patronage or a portion of it; I did not know how much it was worth; and that hope and belief was founded upon expressions of strong personal friendship and attachment upon the part of the President for Colonel Forney. Colonel Forney had become distrustful of the President's friendship, and I sought to relieve his mind by expressing that hope and confidence, and told him that I knew the President to be, as he had always been, his warm friend, and I thought this thing might be effected; and I continued my efforts to do this until he placed it out of my power by the course which he adopted. The reason of the delay in disposing of the question was the determination of the President not to give this printing out until after Congress should meet and have an opportunity of acting upon the subject.

Question. Colonel Forney's paper was established in August, I think. Will that date assist you to fix the time in your mind when these conversations took place?

Answer. I think it was before and after that time that I conversed with Colonel Forney, when he was here, and he visited here upon more than one occasion. Until that break took place between him and the administration he was never here that I did not seem him, and I never met him without having a conversation with him in reference to his own future. After he determined to establish his paper I said to him that I was anxious for his success, and anxious that he might have this patronage which he so much desired, which would enable him to put his paper upon a strong and firm basis.

Question. I understand you to say that generally, in his interviews with you, Colonel Forney expressed a desire to procure the printing of the post office blanks?

Answer. Yes, sir.

Question. That, you say, was both before and after the establishment of his paper?

Answer. That is my impression; it was talked of very frequently, as frequently as we met; I cannot say how often he was here. We talked over this thing and it was a subject of very earnest conversation between Colonel Forney and myself. He knew at the time my earnest desire to do anything for him that I could do.

Question. Do you recollect the paper called the letter of the forty parsons to the President?

Answer. Yes, sir.

Question. Do you know when that letter reached the President and became the subject of newspaper comment?

Answer. I recollect the fact, but I do not remember the date.

Question. Can you state whether, after that, Colonel Forney still continued his application for the post office blanks?

Answer. I think so, because I recollect distinctly, as you will see by the files of his paper, that that letter was very boldly indorsed by Colonel Forney. It gave no cause of offence at that time. It received his enthusiastic approval.

Question. Do you know anything about the offer to Colonel Forney of the consulate at Liverpool?

Answer. Yes, sir; I know the President tendered him the consulate at Liverpool, and I think, from my conversation with the President at the time, that he was anxious that Colonel Forney should take the consulate at Liverpool. Colonel Forney had desired to come to Washington as editor of the organ, as it was termed; but there was very violent opposition upon the part of some southern friends of the administration—opposition particularly from Virginia—to Colonel Forney's coming, and the President's idea was that if he would go to Liverpool, by the salary of that office, and also by the use of his pen as correspondent of the "Union," he would be able to realize a very handsome income, and he would write down the prejudice of the south against him; and then he could return here in the course of his administration, and be acceptable to all the friends of the administration, and if he still desired to do so, he could become the editor of the paper.

Question. Do you know whether Judge Black pressed upon the President equally with yourself the giving of the printing of the post office blanks to Colonel Forney?

Answer. I know that he did. Judge Black and myself had repeated interviews about it. We were perhaps on terms of greater personal intimacy with Colonel Forney than any other members of the cabinet. I know that Judge Black took a deep interest in this matter, and it was the subject of repeated conversations between Judge Black and myself. He expressed to me the same anxiety that I expressed to him to obtain this patronage for Colonel Forney.

Question. Did you ever have a conversation with Colonel Forney touching the propriety of his acceptance of the Liverpool consulate?

Answer. I have had conversations with him in reference to that matter. Colonel Forney was at one time inclined, and perhaps had determined, to accept that appointment; but Mrs. Forney, as he said to me, was very much opposed to it. The final decision was dependent on what Mrs. Forney would determine—whether she would agree to it or not; and some of his friends were invited to talk with Mrs. Forney, and see if she could be reconciled to it. Among others, he spoke to me upon the subject. Mrs. Forney was at the time at Mr. Hoover's, in this city. I did not have an interview with Mrs. Forney upon the subject, for the reason that Colonel Forney said to me that it was useless to mention the subject to her. Other friends had spoken to her, and she was opposed to it; and being in very delicate health, he did not wish to have her disturbed by any further reference to the matter.

Question. Can you fix the time when that was?

Answer. I cannot fix the time. It might be ascertained from the fact that Mrs. Forney was here sick, at Mr. Hoover's. It was previous to the establishment of his paper.

Question. In your conversation with Colonel Forney touching the Liverpool consulate it was discussed as to its advantages, in connexion with his correspondence for the "Union?"

Answer. I do not recollect that I had any discussion with him respecting the advantages of accepting that office. Perhaps I did speak of this idea, that the salary, in connexion with the additional amount he could make as correspondent of the "Union," as I understood it, would give him a handsome income; but I have no distinct recollection of discussing that point with him at all.

Question. What is your impression, whether that was mentioned or not in the course of the conversation?

Answer. I cannot say. I have no recollection at all, except that I wanted Colonel Forney to accept it. At first I wanted him to come here as editor; that was my own feeling. With the strong personal friendship that I had for Colonel Forney, I was not disposed to regard so seriously the opposition that was made to him, as others did; but with the view of his getting this appointment, and being comfortably provided for in that way, with a prospect of returning here and resuming the position that I knew he desired, agreeably to his taste and position in life, I think I pressed upon him and advised him to accept that appointment, and in that conversation I may have discussed with him the details of it, but I have no distinct recollection upon that point.

Question. Did Colonel Forney ever, in any of those conversations, object in your presence to the arrangement of the consulate at Liverpool, such as had been spoken of, as being dishonorable or improper?

Answer. I never heard any objection upon the part of Colonel Forney to any portion of the arrangement, as being improper or dishonorable.

By Mr. TRAIN:

Question. We understand that Mr. Martin was sent out as agent of the Interior Department at the time he went to Kansas?

Answer. That was my understanding.

Question. Was he also an agent of and did he receive pay from any other department of the government?

Answer. Not that I know of.

By the CHAIRMAN:

Question. Did Colonel Forney ever ask you to exert your influence to get him the printing of the post office blanks, after he parted with Mr. Buchanan upon his Kansas policy?

Answer. I do not think I ever saw Colonel Forney after the first article appeared in his paper, which was regarded as an attack upon the administration. I have no recollection of ever having a conversation with him from that time to this.

By Mr. WINSLOW:

Question. That is the point I would like to fix. What do you mean by an attack upon the administration?

Answer. I do not recollect what time Colonel Forney's paper commenced an attack upon the administration. The first indication of opposition commenced about the time of what were called the "Ox-

ford frauds'' in Kansas. His paper at that time took ground sustaining Governor Walker's course there. I did not regard that as so exceptionable; I did not regard the articles that appeared at that time as any attack upon the administration; but from that time the paper commenced going that way. I do not think I ever met Colonel Forney after those articles appeared.

THURSDAY, *June* 14, 1860.

JAMES W. DAVIDSON called: He submitted the following written statement:

I was appointed United States marshal for the northern district of Illinois about the month of June, A. D. 1857, in recess of the Senate; about July, 1858, my name was sent to the Senate and confirmed, when I was again commissioned as such marshal by Mr. Buchanan. In the winter of 1857–'58 I visited Washington and had a conversation with Mr. Buchanan, in which he showed much anxiety in regard to the admission of Kansas under the Lecompton constitution; stating to me that he considered it vital to his administration, and that he had predicated the success of his administration upon the admission of Kansas under that constitution. This is the substance of our conversation; it was all of political character.

I also about the same time had a conversation with Mr. Thompson, Secretary of the Interior, in regard to the removal of office-holders. I think there had been but two or three removals at the time. In that conversation Mr. Thompson assured me that I might go home, fix up my offices, and rest perfectly content for the time being at least; for, he added, we have made these removals, and shall stop to see the effect before we make any further removals.

In another conversation that I had with him in May, 1858, in regard to my own removal, he assured me that if I was removed it would be strictly on political grounds, as they had no official charge or objection to me. About the first of August, 1858, I received a letter from Attorney General Black, of which the following is a copy. The letter is without date on its face, but was received by me about the 1st of August, 1858; and was in reply to a letter which I had written him a short time previous in regard to a report which had come to me that I was to be removed:

"MY DEAR SIR: I *don't* believe you are in the slightest danger; your case is now understood; *don't* give yourself any uneasiness. I do not yet see that the Douglas men have given up their connexion with the opposition. Their war upon the national democratic party is of their own making; and I suppose that the peace must be of their own seeking.

"They have made common cause with the black republicans against us. Those of them who are willing to give a fair support to the

administration, and to regard the English bill as a settlement, ought to be conciliated, treated kindly, and supported. But if nothing else will serve their turn but opposition to the party, it cannot be helped. They say here that Mr. Douglas is more violent and bitter in his hostility to the administration and to all who who support it than to any black republican in Congress. Now, what should be the difference to us between such a man and an abolitionist, except such a man, elected by democratic votes, would do more injury to the democratic cause than an abolitionist would have it in his power to do?

"Most truly yours, &c.,

"J. S. BLACK."

To this letter I replied some ten days or two weeks from its receipt by me; and on the third day of September, A. D. 1858, I received notice by telegraph of my removal.

JAMES W. DAVIDSON.

APPENDIX.

BROOKLYN, *April* 11, 1858.

DEAR HART: Your favor is at hand; your determination to sail by Fulton astonishes me. The step will excite suspicion; but better endure that, I suppose, than "face the music." I will follow by the 26th proximo. Go to Morley's, Trafalgar Square. Bear my love to Sanders and Cobbett.

Give yourself no uneasiness on account of the letters; they will be taken care of. The part I have played has been *seemingly* so humble and insignificant that no one would think of calling me before the *reformers*. Should there be any danger, Dan will post me in time to enable me to take a short trip for my health.

A pleasant voyage to you, and confusion to Covode & Co., is the wish of your friend,

CHARLES A. DUNHAM.

DUNHAM & BISHOP,
Attorneys and counsellors at law, No. 133 *Nassau street.*

Appendix to the testimony of Hon. A. O. P. Nicholson.

WASHINGTON, *June* 13, 1860.

In answer to your oral inquiries of to-day I respectfully reply:

1. Colonel Forney withdrew from the Washington Union in the summer of 1856. My understanding was, at the time, that he withdrew for the purpose of engaging actively in the presidential canvass in Pennsylvania, and that such withdrawal was in accordance with the wish of President Pierce that his connexion with the Union and with the executive printing should cease.

2. When Colonel Forney's connexion with the Union and with the public printing ceased, the terms of his withdrawal were left to be determined by the honorables J. Glancy Jones and Samuel A. Smith. They never made a report to me of the details of the settlement, and as they are both absent I am unable to state any further than that they settled the matters referred to them, and Colonel Forney's connexion with the Union and the printing ceased. I have not been able to ascertain the amount received by Colonel Forney for his share of the printing as I have not had an opportunity to examine the books kept by our employé, but my impression is that he received between thirty-five and forty thousand dollars. As to this, however, I only give my impression, nor can I say whether this amount embraced only his share of the profits down to the time of his withdrawal, or whether it embraced an estimate as to future profits. These matters were submitted to the referees, and I am unable to state how they determined them.

3. After the Presidential election I visited Mr. Buchanan at Philadelphia, and then had an interview with him. My object was to communicate to him my determination to withdraw from the Washington Union, and my willingness to transfer the establishment in a way that would be satisfactory to him and to the democratic party. I had heard the question of a transfer to Colonel Forney freely discussed amongst democrats, especially those from the south, and I had observed so decided an oposition to Colonel Forney as the editor of the organ of the party, that I had made up my mind that I could not in the face of such opposition feel justified in making the transfer to him. I communicated to Mr. Buchanan the opposition of southern democrats to such a transfer. I am unable to call to mind the conversation between Mr. Buchanan and myself so fully as to be prepared to state whether I communicated to him my purpose not to make the transfer to Colonel Forney or not, but I think it not improbable that I did so inform him. My purpose grew out of no unfriendly feeling for Colonel Forney, but entirely out of the opposition manifested by many southern democrats. I considered myself as the owner of the paper for the benefit of the democratic party, and in disposing of it I felt bound to have due regard to the wishes of democratic friends.

Very respectfully,

A. O. P. NICHOLSON.

PHILADELPHIA NAVY YARD, ETC.

No. 2.

FRIDAY, *March* 23, 1860.

J. B. GUTHRIE called.

[This witness appeared before the committee with certain papers from the Treasury Department, comprising pay-rolls, &c., from the custom-house in Philadelphia.]

By the CHAIRMAN:

Question. Have you the pay-rolls of the custom-house in Philadelphia?

Answer. Not the pay-rolls properly speaking; but I have the collector's monthly accounts from July, 1859, to the 31st of December, 1859.

By Mr. TRAIN:

Question. Are these accounts transmitted to the department monthly?

Answer. They were until the first of October last; since that time it has been changed to quarterly; they are now submitted quarterly; that is the reason that the last account I have here is for the quarter ending the 31st of December last.

By the CHAIRMAN:

Question. Does it appear that George W. Baker was a clerk in the custom-house at Philadelphia at $100 a month?

Answer. Yes, sir.

Question. For how many months have you the pay-roll accounts there?

Answer. For six months, commencing the 1st of July, 1859.

Question. Will you examine those accounts and see whether Mr. Baker has received pay as clerk for those six months?

Answer. [After examining the papers.] Yes, sir; he has received pay as clerk, as appears from these papers here, from the 1st of July to the 31st of December, 1859.

Question. Do you know whether he was a clerk and received pay previous to that time?

Answer. No, sir, I could not say.

[The examination of the witness was here closed, and the chairman was authorized to communicate the following letter to the Secretary of the Treasury:

"HOUSE OF REPRESENTATIVES, *Friday, March* 23, 1860.

"SIR: Will you have the kindness to inform the select committee, of which I am the chairman, whether one George W. Baker is now, or has been, employed in the custom-house at Philadelphia, and if so, for what length of time, in what capacity, and at what compensation?

"I have the honor to be, yours respectfully,

"JOHN COVODE,

"*Chairman.*

"Hon. HOWELL COBB,

"*Secretary of the Treasury.*"

Subsequently the following letter was received in reply to the above:

"TREASURY DEPARTMENT, *March* 24, 1860.

"SIR: I have received your letter of the 23d instant requesting to be informed whether 'George W. Baker is now employed in the custom-house at Philadelphia, and if so, for what length of time, in what capacity, and at what compensation?' In reply I have to state that it appears by records of this department that George W. Baker was appointed a clerk to discharge the duties of assistant cashier at a salary of $1,200 per annum on the 15th of November, 1858, *vice* John Goodyear, promoted; and that he has continued to, and does now, occupy that position at the same rate of salary.

"I have the honor to be, very respectfully,

"HOWELL COBB,

"*Secretary of the Treasury.*

"Hon. JOHN COVODE,

"*Chairman of Select Committee, House of Representatives.*"]

No. 10.

FRIDAY, *April* 6, 1860.

GEORGE W. BAKER called and sworn.

By Mr. TRAIN:

Question. Do you reside in Philadelphia?

Answer. Yes, sir.

Question. What is your occupation?

Answer. I am editor of the "Pennsylvanian" as a part of my employment.

Question. How long have you been in charge of the "Pennsylvanian?"

Answer. I think since last September or October.

Question. September or October, 1859?

Answer. Yes, sir.

Question. Have you had any other occupation?

Answer. Yes, sir.

Question. What, sir?

Answer. I hold a position under my brother in the custom-house.

Question. What duties have you performed in the custom-house?

Answer. They have been of various kinds.

Question. Will you describe them?

Answer. I was appointed to fill the office of assistant disbursing clerk.

Question. When was that?

Answer. In November, 1858.

Question. Have you been appointed to any other place there than that?

Answer. I have never been appointed to any other. I was detailed for other duties, but not appointed to any other position.

Question. Did that require your attendance at the custom-house every day?

Answer. The position to which I was detailed does not.

Question. What have you been detailed to do?

Answer. It would be necessary to give somewhat of an explanation to answer that question.

Question. Very well; give it.

Answer. That position was vacant for some months after the death of the chief clerk. I believe Mr Goodyear was then promoted to the position he now occupies, leaving the position of disbursing clerk vacant; that vacancy existed for some months; my brother desired, or had a necessity, in fact, for the services of some confidential person. He was not entitled, I believe, to the services of a clerk. Many other collectors in the country are entitled to a clerk in their private office, but it has not been the custom in Philadelphia. He desired such a person for many purposes, and wrote to the department asking permission to appoint me to the vacant office, with power to detail me for the purpose he desired. Those duties consisted principally as a sort of law adviser. I acted in a number of cases; went out of the city on public business for the purpose of hunting up testimony in New York in regard to cases, and attended to cases in court. In regard to the private matters, such as writing letters for my brother, &c., his position has forced upon him a very large correspondence of one kind or another. In a number of instances I have assisted him in doing that. I need not go to the office every day.

Question. Have you an office of your own, or are your duties when there discharged in his office?

Answer. I have no desk of my own. I had a desk for a time; for some two or three months I occupied a desk; but I found it was not absolutely necessary to be there to perform my duties, as I could perform them at night elsewhere.

Question. Was your desk in his private office, or elsewhere in the custom-house?

Answer. At that time, no, sir; not in his private office: his office was a very small one.

Question. What compensation did you receive?

Answer. The compensation of disbursing clerk, $1,200 a year.

Question. Did you sign the pay-roll?

Answer. I do not know that I signed the pay-roll; I signed the general certificate, whatever it may be, in duplicate. I do not know anything about the pay-roll.

Question. Do you mean the duplicate sent to the department?

Answer. I presume it is.

Question. Do you make any affidavit of your services?

Answer. Yes, sir, as clerk.

Question. And sign the general certificate of the kind and amount of services you render?

Answer. As clerk; yes, sir.

Question. Are you still retained in the same way?

Answer. Yes, sir; and still go to the custom-house every day of my life, when I am in town.

Question. I suppose ordinarily your duties are very light.

Answer. They are not burdensome.

Question. Nothing but you can do at home, or at your office, or anywhere where you can have a consultation with your brother?

Answer. Yes, sir; I go to him every day to get any orders, or anything he wants me to do.

Question. Have you ever done anything that pertains to the office of disbursing clerk?

Answer. It never has been necessary. If Mr. Goodyear had been sick or absent, it would have been necessary for me to fill his place. He is perfectly competent and willing to do all the duties there. But should he be sick, or absent, or anything of that kind, it would be necessary for me to perform the duties.

Question. Have you ever had occasion to perform the duties that properly belong to Mr. Goodyear?

Answer. No, sir; he has never been absent or sick a day.

Question. Are the affidavits made by the employés of their services, which they sign prior to drawing their pay, kept on file at Philadelphia, or here at the department?

Answer. I presume so. They are signed in duplicate.

Question. Are you related to the President in any way?

Answer. I have a family relation to him.

Question. What is it?

Answer. I married a niece of the President.

By the CHAIRMAN:

Question. How does it come that your name is not in the Blue Book as filling that office?

Answer. I know nothing at all about it.

Question. Did you notice that your name was not down in the Blue Book?

Answer. I never did, until I heard the question asked coming here. I never looked at the Blue Book even; never had the curiosity to do it; never knew anything about it.

Question. Do you know that it is one of the rules of the office that every person who draws pay there has to enter the time he comes on duty and the time he goes off every day?

Answer. No, sir; I never understood that there was any rule of

that kind. And if there had been, it would not apply to the position which I in fact occupy.

Question. Has your brother not an attorney to attend to his legal business?

Answer. No, sir; he has had no attorney. And if he had had to employ an attorney it would have cost the government much more than I have received for the services I have performed. It may be as well to state in this connexion, so that it may properly appear, that the personal relations between the district attorney and my brother have been of such a character that there could have been no communications of a confidential character between them. Because my brother would not appoint certain men that the district attorney required, that caused unfriendly relations, which have continued since. That created the necessity of having some one about him in whom he could confide.

Question. Can you state now any of the cases that you attended to in court for the government?

Answer. There were no trials. There were two or three cases of Boker and others against Charley Brown.

Question. They were not tried by you in court?

Answer. I, of course, would not undertake to try them, with a district attorney there.

Question. You stated that you went to New York to attend to some cases. Give us the names of those cases.

Answer. I went there to endeavor to get testimony in the case of Boker and others against Charley Brown, collector. Those are the principal cases, and I went there to see what evidence could be obtained in regard to certain points.

Question. Do you know how many cases you have had of this kind?

Answer. No, sir; I do not.

Question. The cases that you attended to were these cases of Boker?

Answer. Yes, sir; Boker and others against Charley Brown, in regard to some brandies and liquors that were siezed and forfeited.

Question. Did you get testimony that you made use of?

Answer. No, sir; I could not get testimony of any avail at all. It was in regard to the price of the brandies from whence they were imported. I spent several days seeing liquor merchants, to get prices current, &c. The cases were afterwards settled by Mr. Van Dyke in some way.

Question. Did you go to any other places?

Answer. No, sir; no other than New York. I spent two or three weeks in Philadelphia, looking around in these cases.

Question. How long have you been employed altogether on these cases during the time you have held office?

Answer. I do not know, sir.

Question. Have you spent a week at it?

Answer. Yes, sir; considerably more than a week; not the entire day by any means. But I was nearly a week in New York.

Question. Have you spent as much as a month attending to this business all the time you have held office?

Answer. Well, sir, possibly not. But, as an attorney, I should have

charged considerable for that month if I had been employed simply as an attorney, as you know any lawyer would. No lawyer would undertake, without a very large fee, to employ his time in this way.

By Mr. TRAIN:

Question. Were those services rendered after the suits had been commenced?

Answer. Yes, sir; the suits had been commenced under Charley Brown.

Question. And it was the duty of the district attorney to look after them?

Answer. It was his duty to try the cases. But he himself desired and requested the appointment of some one especially to go to New York and perform these duties.

Question. Who? Mr. Van Dyke?

Answer. Yes, sir; his letters are on file in the custom-house, asking that some one be appointed to go on, and I was sent on.

Question. Did you get any pay for this service other than your salary?

Answer. No, sir; excepting my expenses.

Question. You got your expenses paid?

Answer. Yes, sir; my travelling expenses to and from New York, and my board there.

G. W. BAKER.

No. 18.

THURSDAY, *April* 12, 1860.

JAMES C. VAN DYKE called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I live in Philadelphia.

Question. Are you the United States district attorney there?

Answer. Yes, sir; I have been since 1854.

Question. Do you still retain that office?

Answer. I have no official notice yet of my removal, although I have heard that my successor has been nominated to the Senate.

Question. Do you know anything about the causes that contributed to bring about your removal?

Answer. Well, sir, it is very difficult to say what were the causes. The President assigns one cause, and I charge upon him another; and I can maintain what I allege is the cause.

Question. Do you know of any effort made on the part of federal officers to control State politics? If so, state in detail all the particulars.

Answer. In my opinion there has been in the city of Philadelphia a general combination among all the federal officers, with very few exceptions, to control the internal party politics of the city.

Question. Anything to do with the politics of the State outside of the city.

Answer. I think that that influence has been attempted by the federal officers to be extended beyond the city of Philadelphia. When I say this I speak more from a general opinion I received from conversations than from my personal knowledge. Having always discountenanced such combinations, of course I can have no absolute knowledge personally of what has been done. I have myself, on all such occasions, refused to follow the lead of other federal officers in Philadelphia, principally controlled by the collector of the port, and have acted more with those outside of the federal offices than with those in. This had created a bad feeling between the President and myself. I refused to submit to that dictation, and intend to continue to refuse.

Question. And that, you allege, has had something to do with your removal?

Answer. I have no doubt of it, and I have so written to the President. I have made no objection to my removal, for I am satisfied to be removed on the grounds that the people of my party in Philadelphia and Pennsylvania understand I am removed.

Question. Your removal, then, appears to have been brought about in consequence of your acting with the people, and against the dictation of the federal office-holders?

Answer. That is what I have said to the President, and what I know to be the cause.

Question. Do you know of any effort on the part of Collector Baker to use his official position to force federal employés to vote at his dictation?

Answer. It is generally understood with the mass of the party with whom I have acted that he has done so from the time he came into office. Had I known that I was to be examined upon this subject, I could have brought the names of many persons who say they have been removed for that cause.

Question. For not submiting to federal dictation?

Answer. For not submitting to the dictation of the collector.

Question. Did you ever bring these facts to the attention of the President; and if so, what was his response?

Answer. I would prefer not to give any private and confidential correspondence between the President and myself; I think that as an honorable man I ought not, and I think the committee, as honorable gentlemen, will not require it. I will answer any question that may be put to me, but I do not think that I ought to give any direct facts as to any confidential and private correspondence. There has been considerable correspondence between the President and myself, all of which, up to March last, I think, has been marked "confidential."

By Mr. TRAIN:

Question. Do you know, of your own knowledge, whether the interference of the collector, or any other federal officer in Philadelphia, with their employés for political purposes, was with the knowledge of the President—interference for the purposes of controlling their conduct in reference to elections?

Answer. I have complained to the President about it, and my opinion is, that other persons acting with me have done the same.

By the CHAIRMAN:

Question. Did you resist those efforts of Collector Baker and other federal officers; and if so, were you threatened with removal from office unless you yielded to this combination?

Answer. I have always resisted these efforts, from 1839 up to the present time, whenever they have been attempted in the party. The President never threatened me with removal; but I have been informed by the mutual friends of the collector, and other federal officers and myself, that they had been making efforts for the last two years to have me removed, and that the President would do so unless I modified my hostility to the collector. I have disregarded such threats.

Question. Had your resistance, in your judgment, anything to do with your removal?

Answer. In my judgment it is the cause of my removal.

By Mr. OLIN:

Question. Are you acquainted with George W. Baker?

Answer. Yes, sir.

Question. Is he a brother of the collector?

Answer. He is so reputed, sir.

Question. While holding the office of United States district attorney, have you been familiar with the law business, on the part of the general government and the custom-house, that has been conducted for years past?

Answer. All the law business within the scope of my official duties that has been transacted in Philadelphia since my appointment in 1854 has been conducted by myself, and I am familiar with it all.

Question. What services, to your knowledge, in reference to the litigation that has been necessarily carried on, has this George W. Baker rendered?

Answer. As a professional man, none. Some time in the early part of the year 1859, since the middle of February, I think, Mr. Baker attempted to perform the service of an agent for the custom-house in hunting up testimony in an important case about to be tried, under these circumstances: A suit had been instituted by the Messrs. Boker, of New York, against Charles Brown, formerly collector of Philadelphia, to recover duties that they had paid under protest on brandies imported into the port of Philadelphia. One of the important questions which was likely to be involved in that litigation was the value of the brandies imported, and it became important that the custom-house should furnish me with testimony tending to sustain the appraisement made of these brandies by the custom-house appraisers. I addressed a communication to the proper department, asking that a competent person should be detailed for that purpose, according to the practice and usage of my office. I suggested that inasmuch as P. Barry Hays was the former appraiser, who had valued these identical brandies, he would be a proper person and the best to discharge that duty. After some time I received information from the custom-house that Mr. George W. Baker was detailed for that purpose, with which appointment I was perfectly satisfied. He called

upon me once or twice to learn what he was to do, and I instructed him. I saw and heard very little of him after that, except that he reported to me that he had been to New York and could not find any testimony there. The only result of his visit was my receiving some invoices of brandies of the same character that had been imported there, giving their valuations. I do not remember that he furnished me with the names of any witnesses. I furnished him with the names of several whom I desired him to see, and I have no recollection that he ever reported what their testimony would be. I do remember that I had subsequently to send for those witnesses and examine them myself. I do not think that he ever became familiar with the case, or knew anything about it. The best evidence of that is contained in what I understand he has sworn to, that this suit was a case of the seizure and forfeiture of brandies. The Messrs. Boker never imported any brandies into Philadelphia that, to my knowledge, were seized and forfeited. A seizure and forfeiture would have to be on the ground of some fraud in the valuation or importation in violation of the revenue laws. This case was a mere dispute whether the brandies had been valued too high and too much duties charged. The character of the duty that Mr. Baker was to perform did not require a professional gentleman; on the contrary, I considered that a professional gentleman would be the worst person I could send for that purpose, and for that reason I recommended that Mr. Hays perform the duties, who is an able and accomplished business man, and who would, no doubt, have discharged the whole duty for fifty dollars.

Question. Do you know of any other service in respect to any other matter that Mr. Baker rendered?

Answer. Mr. Baker never rendered any service, to my knowledge, in any matter in court. On all occasions when it has been necessary for the collector to be in court, I have sent for the collector himself; and it was only necessary for him to be there when his personal presence was required, to do those things which cannot be done by deputy, such as signing bonds on appeals of cases to the Supreme Court and the like. Mr. Baker never has performed any services in court in reference to any cases between the government and any citizen, to my knowledge, except on one or two instances, when he appeared before the United States commissioner on examinations of persons charged with offences against the government. And in those instances he appeared for the defendants and not for the government, but against it. These were cases of persons charged with offences against the revenue laws and occured while he held the office in the custom-house.

Question. What do you know in respect to his discharging any duties in the custom-house in the capacity of clerk or assistant cashier?

Answer. I have no personal knowledge upon that subject; I have been told, however, by merchants ——

Mr. WINSLOW objects to hearsay testimony.

By Mr. OLIN:

Question. What is his business, and where is his place of employment? Are you familiar with that?

Answer. I know by reputation what his business is; I have never been in the office where he is employed since he has been there.

Question. What is understood to be his business there?

Answer. Editor of the "Pennsylvanian," and I think he has a law office somewhere in Philadelphia.

Question. Practicing in the courts to any considerable extent?

Answer. I never have seen him engaged in any case before the court; he may have practiced professionally, however, notwithstanding that.

Question. What is this "Pennsylvanian," a daily paper or a weekly paper?

Answer. A daily paper.

Question. A democratic paper?

Answer. Yes, sir; he considers it so; or rather it profeses to be so; I do not know what he considers it.

Question. What office do you understand that he claims to fill and discharge the duties of in the custom-house?

Answer. Assistant cashier and disbursing clerk; the office is called technically.

Question. Is there any such office provided for by law?

Answer. I do not know that there is any such office provided for directly by law. If not, however, I suppose the office has been created by the Secretary of the Treasury under power given to him by law for that purpose. There always has been, however, within my recollection, such an office in Philadelphia. There is an office of cashier, at $1,500 a year; and there is an office of assistant cashier and disbursing clerk, at $1,200 a year; up to 1858, and some time in the year 1858, the office of cashier was filled by George W. Burr, I think; the office of assistant cashier, by John Goodyear. Mr. Burr died and Mr. Goodyear was promoted to his place. Mr. Goodyear was always in attendance in his office, so far as my knowledge goes; at least whenever I went to the custom-house during the hours of office duty provided for by the regulations.

Question. Have you, during the last two years, been frequently in the custom-house during hours of business?

Answer. Very seldom, sir; my duties do not call me there, and since the winter of 1858 and 1859 I have never been there for social or personal purposes. I have been there occasionally for the purpose of obtaining papers necessary in litigations. I have gone there always when public duties required, and then only.

Question. On any of those occasions did you ever see George W. Baker there?

Answer. I do not recollect anything of ever seeing George W. Baker in the custom-house.

There is one statement I would like to make here. I understand that Mr. George W. Baker has stated in his testimony that it was necessary for him to be employed by the collector to attend to matters in court, on account of the personal relations between the collector and myself.

By Mr. WINSLOW. Who informed you of that?

The CHAIRMAN. I told him there was such testimony here.

Mr. OLIN. I will read the testimony to the witness now.

Mr. WINSLOW. I have no objections to that. But I have serious objections to any one talking to witnesses outside of the committee about testimony.

The CHAIRMAN. I think it would be a very good thing to order that no testimony go out of the possession of the committee, and I shall submit that motion at the proper time.

Mr. WINSLOW. I have no complaint to make of this witness.

By Mr. OLIN, [to witness:]

Question. What G. W. Baker stated is this, and we want to inquire of you whether that is so or not, and that will probably give you an opportunity to explain the matter.

"It may be as well to state in this connexion, so that it may properly appear, that the personal relations between the district attorney and my brother have been of such a character that there could have been no communications of a confidential character between them, because my brother would not appoint certain men that the district attorney required; that caused unfriendly relations, which have continued since; that created the necessity of having some one about him in whom he could confide."

Now you may answer in respect to that.

Answer. In relation to the allegation on the part of Mr. Baker, that the personal relations between myself and the collector required his appointment, I have to say that it is wholly false, and the best proof that it is so is contained in the fact that the relations existing between the collector and myself are about the same as they are between myself and George W. Baker. I think George W. Baker the worse of the two, and would much prefer friendly, political, personal, and social relations with the collector than with him. This, however, was not the case at the time of his appointment, but became so very shortly after—the change of relations between George W. Baker and myself, I mean; and one cause of that change, so far as I am concerned, was the fact that I disapproved of his appointment, and holding the office, under the circumstances under which he held it.

Question. Of George W. Baker holding the office?

Answer. Yes, sir; that he was not appointed to the office of assistant cashier for the purpose of performing any duty in the case of Boker *vs.* Brown is also very clear from the fact that he was appointed in November, 1858, and there was no request made upon the collector to detail a person to hunt up testimony in the case of Boker *vs.* Brown until February or March, 1859, or thereabouts.

Question. Was there more than one case between the government and Boker and others?

Answer. There were several importations and appraisements, I think, made at different times; whether they were all involved in one suit I do not now remember, but they were all treated as one suit.

Question. There was the same question involved in all of them as to the over-valuation in the appraisement?

Answer. Yes, sir; there was another case in which I desired Mr. Baker to hunt up the testimony, which came on afterwards, and

which is now pending in one of its branches before the Supreme Court; the case of Parrish *vs.* Brown, Parrish *vs.* Lewis, and Parrish *vs.* Baker. It involved the question of the character of corduroys, and under what schedule of the tariff they were to be appraised; I desired Mr. Baker to get some scientific testimony upon the subject.

By the CHAIRMAN:

Question. Did he procure that testimony for you?
Answer. He did not.
Question. What reason did he give for not getting it?
Answer. I met him upon the street; he never came to my office in reference to it, and I asked him whether he was going to attend to the procuring of that testimony; he said he was so much engaged in a steamship line that was then being got up in Philadelphia, in which he took a very active part, that he would not have time to do it; I then sent for an old merchant in Philadelphia, who had been in the appraiser's office, and had been removed I think a few days previous, and asked him to take the matter in charge and get the testimony for me; he was a very competent man; his name was Mr. Mayberry.

Question. In everything that Mr. Baker did in these cases in reference to looking up testimony, what time would it have required for a competent man to accomplish all he did so far as your knowledge of the transactions extends?

Answer. I do not know all he did; in hunting up testimony, as every professional man knows, a man does a great deal very often that is of no use; that produces no beneficial result; I cannot tell all that he did; but I should suppose that, with the exception of going to New York, that case could be most thoroughly prepared, so far as testimony is concerned, in two or three days, if the party having in charge these preparations could meet the persons he went to see and understood his business. I think Mr. Hays would have done it in that time; and I suppose the same period would be required in making a visit to New York for that purpose?

Question. Under ordinary circumstances one might have readily accomplished all that Mr. Baker did, I suppose, in a period of one week?

Answer. As far as I know, all that he did, which was to go to New York, could have been done in less than that period of time.

Question. He says that he looked around in Philadelphia some.

Answer. I do think that, under ordinary circumstances, a week would have been a fair time for accomplishing all that he did; two weeks would have been more than ample.

By the CHAIRMAN:

Question. As you are familiar with all the laws and regulations, I will ask you if you know of any that authorizes the collector to have a clerk to attend to his business, writing his letters, &c.?

Answer. Do you refer to his private business or to his official business?

Question. Either; had he any authority to employ his brother to transact this business and pay him out of the government funds?

Answer. I do not know of any law or regulation authorizing the collector to employ a private secretary; there are clerks employed in the custom-house, in the revenue department, provided for by law or regulations; they are all in the Blue Book, or ought to be; I know of no law that authorizes the collector to appoint an assistant cashier and pay him the salary of an assistant cashier, and then employ his time in doing those duties which particularly pertain to the collector himself, and for which he receives a salary.

Question. Did you know that Mr. Baker's name was not in the Blue Book?

Answer. I have been informed of that fact within a few days past; I did not know it before.

Question. Is it not irregular to employ a man in that capacity and not have his name in the Blue Book at all?

Answer. I think there is an act of Congress, passed on the 3d of March, 1849, section 6 of which requires the Secretary of the Treasury to report at each session of Congress the number of persons employed and occupied, and the salary of each person employed, at each custom-house in the United States.

Question. As you are familiar with all these laws and regulations, if you have no objections I would like you to state whether, in your opinion, it is a violation of any criminal law of the United States for a person to hold an office in the custom-house and draw his salary when the duties of that office have not been performed?

Mr. WINSLOW. I object to that question. It is totally irrelevant to this inquiry and not at all pertinent. Mr. Van Dyke's opinion about a law question is not proper testimony for us to take.

The CHAIRMAN. I asked the question because I was satisfied he could give us a full answer to it.

Mr. OLIN. It is not merely his opinion that we want, but information as to what the law is; because, although a man is bound by law to have a knowledge of the law, many have no knowledge of the law.

The CHAIRMAN. I expect to get from the witness a reference to a law for our satisfaction.

Mr. WINSLOW. I have no objection to that, but I do not think it is right to ask his opinion.

The CHAIRMAN, (to witness.) Will you refer to the law as an answer to the question?

Answer. I cannot answer this last question in a professional and legal way without answering the entire question put by the chairman of this committee.

The CHAIRMAN. The reason I asked this question is that there is criminality somewhere; and Mr. Van Dyke being very familiar with the law, I thought he could give us information in a condensed form which would be satisfactory to us.

Mr. WINSLOW. About Mr. Baker's holding office?

The CHAIRMAN. About returns being made under oath of his having performed the service, when he had not done it.

Mr. WINSLOW. That is a fact, about the returns being wrong. The witness can be asked if he knows that fact.

THURSDAY, *April* 19, 1860.

JAMES C. VAN DYKE recalled:

By the CHAIRMAN:

Question. On a former occasion you stated that if you had had any correspondence with the President previous to a certain date it was of a private and confidential character. Will you please state whether you have had any correspondence with him since that time; and if so, whether that, also, is of a private and confidential character?

Answer. I have had some correspondence with the President since the 14th of March. His first letter was marked "private," but at my request the injunction of secrecy was removed.

Question. Will you produce that correspondence that is not of a private and confidential character? Or, I will ask you, does it relate in any matter to your removal from office or the interference of federal officers in the elections?

Answer. It relates to my removal from office and to the combination of the federal officers for the purpose of controlling the ward elections.

Question. Have you any objection to producing that correspondence?

Answer. I do not think there is anything in it which could come under the class of privileged communications.

Questions. Have you copies of those letters here?

Answer. I have copies of them in one of the rooms up stairs.

Question. Can you get those copies?

Answer. Yes, sir.

Question. Will you produce them?

Answer. I have myself no objection to producing that correspondence.

The CHAIRMAN. You will please procure those copies and submit them to the committee.

[The witness here left the committee-room for the purpose of obtaining the correspondence, which he subsequently handed to the chairman.]

Mr. WINSLOW. I wish to say that no letter from the President to any officer of the United States, while in office, is competent testimony. Nor can the removal of any officer by the President be a subject for examination by Congress. The subject of removal is alone within the power of the President.

The following are the papers handed by the witness to the committee:

[PRIVATE.]

WASHINGTON, *March* 14, 1860.

MY DEAR SIR: The official duties of the collector of an important port and those of the district attorney are in their nature so intimately connected that it is quite impossible for them to conduct the public

business with due regard to the public interests while they are in a state of such open and inveterate hostility as to forbid all personal and official intercourse with each other. This being now, and having been for some time past, the condition of affairs between yourself and Mr. Baker, it has been finally resolved to make a change, and this in accordance with the views of the Secretary of the Treasury, the Secretary of the Interior, and Attorney General, the members of the administration exercising a supervision respectively over each of the two officers.

I deem it due to our friendly relations to communicate this determination to you in advance. This is the more especially proper, as in May, 1858, it was solely on my solicitation you would consent to remain, and this only for a few months; and I have reason to believe the place has not since become more agreeable to you.

From your friend, very respectfully,

JAMES BUCHANAN.

JAMES C. VAN DYKE, Esquire.

PHILADELPHIA, *March* 16, 1860.

MY DEAR SIR: Your letter to me under date of the 14th instant is this morning received, in which you inform me that "the duties of the collector of an important port and those of the district attorney are in their nature so intimately connected that it is quite impossible for them to conduct the public business with due regard to the public interests whilst they are in a state of such open and inveterate hostility as to forbid all personal and official intercourse with each other," and that for this reason it has been finally resolved to make a change, in accordance with the views of the Secretary of the Treasury, the Secretary of the Interior, and the Attorney General. I regret that your letter is marked "private," since, coming from the President with whose appointment I have been honored, and concerning as it does my official conduct, I should not be expected to treat it as such.

I of course have no objection to offer to the determination on the part of the administration to make the proposed change; but you will, I trust, excuse me in not allowing the impression to go abroad that this change is required because the personal and political relations existing between the collector of the port and myself have ever prevented on my part the proper discharge of official duties, or that such relations have in any way conflicted with the public interests. That such a change is not controlled by these considerations is fairly inferable from the fact that the personal and political relations that at present exist between the collector of the port and myself are precisely the same as they were at the time of my appointment, and when at your

personal "solicitation" I accepted the office, and are the same as they had been, with the full knowledge of the administration, for nearly one year previous to that appointment.

My relations with the collector, as I have frequently informed you, in conversation and by letter, are the result of my unwillingness to approve the conduct of the collector in his tyrannical abuse of the patronage of the federal government, with a view to control the wishes of the people in their primary local elections. This, in conformity with your own just views, as expressed in times past, when in 1839–'40, 1843–'44, and 1847–'48, it was supposed the same power was used to prevent your political advancement, I have always disapproved and discountenanced to the extent of my ability. The banding together by a collector of customs of the entire force of subordinate federal officers, the necessities of many of whom may compel them to yield their own convictions to his threats of removal, and the controlling of the political preferences of other persons under promises of appointment, are infringements of the rights of the people, a violation of the democratic spirit of our institutions, and at all times dangerous to the purity and perpetuity of an elective government. And in justification of my course, I have to say, in a spirit of the utmost kindness and good feeling to yourself personally, that no desire for office nor fear of removal could induce me so far to forget my self-respect or forego my rights as a citizen as to yield even a silent acquiescence in the conduct of the gentleman who in this respect has so grossly abused the federal patronage in this State.

This has been heretofore the cause of diversity of opinion between the collector and myself. An additional cause has arisen within a short time, which, being now fresh, appears to be the principal matter of complaint. I refer to the fact that within a few weeks, when the subject was brought to my notice by a citizen of Philadelphia, I expressed my disapprobation of the conduct of the collector of the port, (if correctly reported to me,) in paying to persons professedly employed in the revenue service large salaries out of the public treasury, when it is said such persons notoriously do not discharge the duties of their appointments, but either devote their time to other business callings, or are engaged in the discharge of other public duties, properly compensated for at a lower rate of salary. This I have considered to be in direct violation of law and treasury regulations, and as subjecting all who were knowingly concerned in it to censure. I have condemned it, therefore, in compliance with my official obligation to the government, and with the confident belief that my conduct in such matter would meet the approval of the country and the government.

I have also to state that about October, 1859, I frankly informed you that if my course in all matters of party issues, though hostile to the dictation of the collector of the port, was not approved by you, I could not longer continue in office. You at that time informed me that there was nothing which had occurred to lessen your confidence, or to cause you to desire a change, but, on the contrary, that your wish was, I would continue in my position, at the same time expressing a desire that I should be on friendly personal and political re-

lations with the collector which I said was impossible. It is also for this reason that the cause now given for my removal is to me the more unaccountable, for since then nothing has occurred to change my official relations with the officers at Philadelphia, except it be that arising from my official notice of the report of the improper payment of salaries by the collector to which I have alluded, and in regard to which I have expressed my opinion that upon information properly laid no district attorney could refuse to entertain a prosecution. I have already written to the proper department for information; but whether the charge is sustained by all the facts, I have not been able to say, the informant not having pressed a further investigation.

Having made this statement with the view of placing the cause of my removal on what I conceive to be the true basis, I have only to add, that all the papers and documents in my possession belonging to the United States will be ready for delivery to my successor as soon as he may be designated and duly qualified.

I am, sir, with assurances of my personal regard, respectfully, your friend, and obedient servant,

JAMES C. VAN DYKE,
Attorney for U. S., Eas'ern District of Pennsylvania.

The PRESIDENT.

WASHINGTON, *March* 19, 1860.

MY DEAR SIR: I reply to your favor of the 16th instant received yesterday, for the purpose of stating that you are quite at liberty to use my letter of the 14th instant as though it had not been marked "private."

I repeat emphatically that this letter presents my reasons for making a change in the office of district attorney. My extreme reluctance to do what might be disagreeable to you, has prevented me from addressing you at an earlier period, and this, although your official superiors in the different departments were long since of opinion that the public interests required such a change.

I had hoped, although almost against hope, when I last solicited you to remain in office, that your personal regard for myself, if nothing else, would eventually induce you to modify your hostility against the collector to such a degree as to induce you to hold personal and official intercourse with him concerning your respective public duties. Had this been the case it is all I should ever have required. In this hope, I am sorry to say, I have been entirely disappointed.

I shall part with you with deep and sincere regret, and at the present moment entertain no feelings towards you and yours, except those of hearty good will.

From your friend, very respectfully,

JAMES BUCHANAN.

JAMES C. VAN DYKE, Esq.

PHILADELPHIA, *March* 24, 1860.

MY DEAR SIR: I have the honor to acknowledge the receipt, on the 21st instant, of your letter under date of the 19th instant.

Before receiving your communication of the 14th instant I had been furnished with no intimation from yourself personally, or from any member of your administration, that the personal relations existing between the collector of the port and myself were such as interfered with the proper discharge of my official duties. These relations, distasteful as they may have indeed been, have, however, upon no occasion been allowed by myself to stand in the way of that official interest which the public interests required.

Your conversations with me, as well as your letters to me on this subject, have invariably referred to the subject in its political aspects, and as affecting the management of internal party politics, in which I have always considered every citizen fully competent to judge of his own course without the assistance of a collector of customs. This was especially the case in our last conversation to which you have referred, and in which you will no doubt, upon reflection, remember official duties and relations were not mentioned Your only request of me at that time was that I would nct interfere with the collector in his management of the then approaching campaign to elect delegates to our State convention, called for the purpose of nominating a governor and sending delegates to the Charleston national convention. And the only occasion in which I ever had any intercourse with any other member of the administration touching this matter was in 1858, when the Attorney General in conversation informed me that in his opinion the good of the party required union and concert of action among all the federal officers. This conversation referred only to unity in the management of internal party politics, and had special reference to the judicial nominating convention. The tenor of his conversation was to secure a complete combination among the federal officers of a character that did not receive my approval, for I have always regarded such combinations as in conflict with the doctrine of State rights as interpreted by the democratic party, and have believed that to unite in them would be derogatory to every feeling of self-respect.

I regret that the duty I owe to myself and to those friends with whom I have acted requires me to say this much, and I do it with no other desire than to place myself correctly before you and them.

With the assurance that I reciprocate your expressions of personal good feeling, I am, sir, your friend, very respectfully,

JAMES C. VAN DYKE.

His excellency JAMES BUCHANAN,
President.

THE UNITED STATES OF AMERICA,
vs.
JOHN EMORY, JAMES RUSK, AND VALENTINE KERBAUGH.

Before Commissioner Chas. F. Heazlitt, at Philadelphia.
"SMUGGLING,"

1859.—*July* 19.—Affidavit of Edward Riley taken and process executed.
Defendants present; Edward Riley sworn, and continued till to-morrow, at 10 a. m.
Recognizance of Rusk and Kerbaugh, in $500, taken, and commitment executed for Emory.
Recognizance of Emory filed.
20.—Defendants present, with counsel; Mr. Baker for Rusk and Kerbaugh, Mr. Barger for Emory.
Anthony Campbell sworn.
Benjamin Redman sworn.
Mr. Stevens, for United States of America, asks for continuance, on the ground of absence of material witnesses; continued till to-morrow, at 10 a. m.
21.—Defendants present, with counsel.
Edward Irvine sworn.
Morris Corl sworn.
A. Campbell recalled.
Wm. Harbeson sworn.
Jas. Pidgeon sworn.
Andrew Alexander sworn.
After hearing district attorney for United States, (who asks that defendants be held for larceny, &c., and landing goods without permit,) and Mr. Baker and Mr. Barger for defendants, defendants required to enter bail in $800, conditioned for appearance to answer for landing, and aiding and assisting to land, without permit, &c., under 50th section of act of Congress of March 2, 1799.—(1 St. L., 665.)
Recognizance of Jas. Rusk and David McClain taken and filed.
Recognizance of V. Kerbaugh and David McClain taken and filed.

UNITED STATES, *Eastern District of Pennsylvania:*

I certify the within to be a true and faithful transcript of the docket entries in the within case.

Witness my hand and seal, at Philadelphia, April 16, 1860.
[L. S.]

CHAS. F. HEAZLITT,
U. S. Commissioner.

No. 46.

FRIDAY, *May* 4, 1860.

THOMAS McDONOUGH called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I live in Philadelphia.

Question. What is your occupation?

Answer. I am master blacksmith in the United States navy yard.

Question. Were you employed in the custom-house at Philadelphia in 1856?

Answer. I was, as an inspector of customs.

Question. Can you give the committee any information relative to the distribution of naturalization papers at that time?

Answer. Before I answer that question I would, if it is respectful to you and the committee, simply ask you what you base your question upon; whether you have any information before the committee to lead you to suppose that I should have any knowledge of that kind?

Question. I have a memorandum somewhere, but I cannot now find it; and in addition to that I think your name was mentioned in some testimony given here, either as having had something to do with that matter, or knowing something about it.

Mr. TRAIN. I do not think you should inform the witness about these matters?

By the CHAIRMAN:

Question. State whether you know anything about the distribution of any naturalization papers at that time?

Answer. I will tell you all that I knew about it at that time, and every other election time we have in Pennsylvania. When there is a political contest, both parties have what we call an executive committee; they appoint a sub-committee, who see to the naturalization of foreigners who live in the different localities of the city, and who would be likely to vote their ticket; the republican and democratic party both have naturalization committees; they hunt up and find out persons who are legally entitled to their papers, and if they have not money enough to get them they very often pay for them, and get them out in that way; that is all I know about that matter.

Question. Did you attend to distributing any papers yourself?

Mr. WINSLOW. I do not think——

The WITNESS. With the greatest respect to you and everybody else, I desire to make a statement which I do not wish to go down on the testimony.

[The witness then referred to his hitherto good character, &c., and denied the right to be asked such questions.]

By the CHAIRMAN:

Question. You are already charged with having distributed fraudu-

'ent naturalization papers; it is for you to explain whether you did so or not?

Answer. Who charges me? It is customary for a man to know who makes the charges, who his accuser is.

Question. If you come here to argue the point that is another matter; we ask you whether you did or did not distribute any fraudulent naturalization papers in 1856?

Answer. When a man goes into a court of justice is he made to say whether he committed a crime or not?

Question. We will take your answer whatever you choose to give.

Answer. I decline answering any question of the kind.

The CHAIRMAN [to witness.] Then we do not want you any further, I suppose; it may be proper to state that by the statute of the United States a man's evidence cannot be used to criminate him.

Mr. TRAIN. The law is that his evidence cannot be used against him.

The WITNESS. I have no desire whatever to conceal anything from the committee.

Mr. WINSLOW. I think the witness may criminate himself under the laws of Pennsylvania, if they have no laws there like the United States statute upon this subject.

The WITNESS. If there is anything that has been said here calculated to impeach my standing in the community, should I not have an opportunity to defend myself? While it may not make me amenable to the laws, it may injure my character.

Mr. WINSLOW requested the witness to leave the committee-room for a few moments.

After the witness had retired the testimony of Mr. West was read over to the committee, and some conversation ensued thereon.

The witness was then recalled to the room—

And Mr. WINSLOW said to him: We have looked over the testimony, and your name is not mentioned there, though the party refers to some individual.

Mr. TRAIN. The committee are acting upon some information that they received outside, not in committee, and if you desire to say anything further you can do so.

The WITNESS. Since I left the room I have been considering in relation to my testimony that it might lead to the supposition that I had some knowledge that I wanted to conceal from you, and in order to make myself perfectly understood I have no hesitancy in swearing positively that I do not know anything about it.

Mr. WINSLOW. You protest against the right to ask you the question, and you answer it in that way.

The WITNESS. Yes, sir.

By Mr. TRAIN:

Question. Do you mean to deny ever having distributed any fraudulent naturalization papers yourself, or having any personal knowledge of its being done by others in Philadelphia?

Answer. Yes, sir, I do; I deny doing it myself or having any knowledge of anybody else doing it.

By the CHAIRMAN:

Question. Do you know a man by the name of Chris, a messenger to the appraiser?

Answer. There was a man by the name of Christopher or Krish; they called him Dutch Chris; he was a messenger of some kind in the custom-house.

Question. Was he, in 1856, a messenger to the appraiser?

Answer. Yes, sir; I know him, but cannot think of his name.

Question. Were you aware of his being out of the office any at that time attending to anything other than his duties?

Answer. I was in the inspector's office, and the appraiser's office was right over us; he might have been out for weeks and I not know anything about it.

Question. Did you hear anything said about his being engaged out of the custom-house?

Answer. No, sir; I had very little acquaintance with him.

No. 47.

FRIDAY, *May* 4, 1860.

JOHN H. BRYANT called and sworn.

By Mr. WINSLOW:

Question. Where do you live, and what is your occupation?

Answer. I am chief clerk in the storekeeper's office in the Philadelphia navy yard.

By Mr. TRAIN:

Question. Do you know Theophilus Fiske, now or formerly editor of the Argus, in Philadelphia?

Answer. Yes, sir.

Question. Had he an appointment in the custom-house, do you know?

Answer. I do not know that he had.

Question. How long have you known him?

Answer. I have known him intimately for two or three years.

Question. How long have you been in the custom-house yourself?

Answer. I have not been in the custom-house; I am in the navy yard.

Question. Had Mr. Fiske any position under the naval storekeeper?

Answer. He held the position of second clerk.

Question. When was he appointed?

Answer. During the late administration of Mr. Pierce.

Question. How long did he hold the appointment?

Answer. I should think he held it about a year.

Question. Did he go out with Mr. Pierce's administration?

Answer. No, sir; he was removed by the present storekeeper.

Question. During the time he held the appointment, did he to your knowledge perform any duty there?

Answer. No, sir.
Question. Nothing?
Answer. No, sir.

By the CHAIRMAN:

Question. What salary did he receive?
Answer. I think the salary of the second clerk is $750 a year.

By Mr. TRAIN:

Question. Do you know whether he drew his pay?
Answer. I know that he drew it sometimes; I presume he did all the time; I do not know.
Question. Do you know Charles Cummings?
Answer. I have seen him; I have had no acquaintance with him; I have seen him only three or four times.
Question. What is his business?
Answer. I do not know that.
Question. Had he any position in the naval store in 1858?
Answer. When Mr. Cummings removed Mr. Fiske, he appointed Charles Cummings.
Question. Is he there still?
Answer. No, sir.
Question. How long did he remain there?
Answer. He held that position five or six months, perhaps.
Question. Did he perform any duty?
Answer. No, sir; not that I know of.
Question. Did he draw his pay?
Answer. I do not know that?
Question. Do you know Mr. Charles Clement?
Answer. Yes, sir.
Question. Did he succeed Cummings as second clerk?
Answer. Yes, sir.
Question. Does he still hold the position?
Answer. I believe he does.
Question. Does he perform any duties in the storekeeper's office?
Answer. No, sir; he is down to the place every day; there is not much doing there now; he has not held the position long.
Question. He was appointed last year, some time, was he not?
Answer. I presume he has been there in the neighborhood of six months.
Question. Has this Mr. Clement any other business than that of second clerk?
Answer. He is a bricklayer.
Question. Has he any capacity as a bookkeeper?
Answer. I do not know whether he has or not.
Question. You say he performs no duty there?
Answer. He does not; he has performed none in our department.
Question. Do you know whether he continues his business as a bricklayer?
Answer. Yes, sir, he does.
Question. How does he get his pay as second clerk?

Answer. I do not know; we all draw from the purser.

Question. Does he give you a blank receipt to get his money from the purser?

Answer. No, sir.

Question. Is that done by any of the employés in the storekeeper's office?

Answer. Sometimes they give blank receipts, but they have to sign the purser's roll. Perhaps if they wanted some money the purser would give it to them on their receipt.

Question. Then, if I understand you, this man Clement has been there some six months, drawing his pay regularly, performing no duty there, and attending to his own business outside of the yard?

Answer. I presume he draws his pay; he is on the roll, but I never saw him receive the money.

Question. Do you know a man by the name of Frederic Walker?

Answer. Yes, sir.

Question. Does he hold a position in the navy yard?

Answer. He is nothing but a messenger in our office.

Question. What are his duties?

Answer. Well; he makes the fires, sweeps and cleans up, and runs of errands.

Question. Is he there every day?

Answer. Yes, sir.

By Mr. WINSLOW:

Question. What pay does he get?

Answer. I think he gets $1 25 a day; he is paid only for the time he is attending to his duties.

By Mr. TRAIN:

Question. Is he employed at the Argus office also?

Answer. No, sir; not that I know of.

Question. You do not know of his having any other business than that of messenger in your office?

Answer. No, sir.

Question. Do you know whether, at any time, stationery, which is furnished to the yard by the contractor, has been sent to the Argus office, or persons connected with the Argus, for the benefit of that paper?

Answer. No, sir.

Question. Have you ever sent it yourself?

Answer. No, sir.

Question. Has it ever been sent, with your knowledge?

Answer. No, sir.

Question. Do you know of navy yard stationery having been sent to Colonel Florence?

Answer. Not navy yard stationery; no, sir.

Question. What stationery?

Answer. I have sent him some stationery that I have got in Philadelphia, when he has told me to get it, but not from the navy yard, though.

Question. Stationery that you bought?

Answer. Yes, sir; that he gave me an order to get from Mr. Mau-

rice, on Chestnut street; I might have been sent up there to get it, and I might have sent it to him in that way, but it was not navy yard stationery.

Question. Have you ever sent other articles belonging to the United States stores to persons outside?

Answer. No, sir.

Question. Have you ever sent any by one William Severns, an employé in the yard?

Answer. No, sir.

Question. Nothing of any kind?

Answer. No, sir; nothing belonging to the government. He has been up with this stationery that I speak of, that I got from Mr. Maurice, under Colonel Florence's order.

Question. Have you not sent away furniture made in the yard to persons outside?

Answer. No, sir; that is not in our department at all.

Question. I suppose not; but I do not know what you are about in the Philadelphia navy yard. The allegation is, that you have sent away tables, and bureaus, and chairs, &c.—some of them made in the yard, and all of them belonging to the government—to parties outside.

Answer. That allegation is not true.

Question. Have you a son, a clerk, under you in the office?

Answer. My step-son is there as a writer.

Question. Do you ever collect money from the employés of the government in the yard for political purposes?

Answer. I have had money given to me (not from the employés) from some of the men in the yard; that is, the bosses.

Question. How is it done, by voluntary contribution or assessment, or how is it?

Answer. Well, they generally look for the yard to raise a certain amount; and sometimes moneys have been paid to me, which I have handed over to the executive committee for the city. I have done so in one or two instances—two instances, I think.

Question. Is this compulsory to any extent?

Answer. No, sir.

Question. Entirely voluntary?

Answer. Yes, sir.

Question. Do you make out a memorandum of the names of parties employed in the yard with their salaries, and then ask them for a percentage upon their salaries?

Answer. No, sir.

Question. Or do you ask them to subscribe what they choose?

Answer. It is generally the master workmen who collect it; it is voluntary on their part. The city executive committee would say that they wanted so much money, and the bosses and the master workmen, in one or two instances, have handed the money to me; sometimes they attend to it themselves. I have paid my portion; no particular amount.

Question. Is this done at every election, or only at the congressional or presidential election?

Answer. Well, it is generally done at every election.

Question. What amount of money is raised at the navy yard generally?

Answer. It varies. We get sometimes $100, sometimes $200 or $300; hardly ever over $300.

Question. What amount did you raise for the last city election?

Answer. I understood there was about $150.

Question. Do you recollect how much was raised for the congressional election of 1858?

Answer. No, sir; I do not.

Question. What do you suppose could have led any one to think that you had shipped furniture belonging to the government away from the yard to other parties?

Answer. In two instances a vessel going between here and Philadelphia, which was called the Colonel Florence, lay outside of the yard; and Colonel Florence asked me to get the consent of Captain Lee to allow his furniture to be carried through the yard and put on board that schooner.

Question. At the time Mr. Fiske was second clerk he was one of the editors of the Argus, was he not?

Answer. Yes, sir.

Question. Is the Argus owned in whole or in part by Colonel Florence?

Answer. I do not know. It is owned by Severns & Co.

Question. Had this Cummings anything to do with the Argus office?

Answer. No, sir.

Question. Or Charles Clement?

Answer. No, sir.

By Mr. WINSLOW:

Question. You have stated that Clement was there every day?

Answer. Yes, sir.

Question. That there was very little to do?

Answer. Yes, sir; there has been very little to do since he has been there.

By the CHAIRMAN:

Question. Do you know of any other editor of the Argus being paid from your department while rendering no services?

Answer. Mr. Fiske was the editor of the Argus.

Question. I asked about any other editor.

Answer. That was previous to Mr. Fiske. Harris N. Martin was the first second clerk we had there. He was then an editor.

Question. Did he receive pay from the government while rendering no services?

Answer. He was there sometimes, and rendered some service.

Question. Has it not been customary for the editors of that paper, or parties in interest, to get pay from the government, directly or indirectly, without rendering any services?

Mr. WINSLOW. You should ask the witness to state the facts.

By the CHAIRMAN:

Question. Do you know of other cases where parties have received pay without rendering services?

Answer. Those were the only two we have had there—Mr. Fiske and Mr. Martin—that were connected in any way with the Argus.

Question. What I asked was, whether you know of any other persons who received pay without rendering service?

Answer. No, sir.

No. 54.

WEDNESDAY, *May* 9, 1860.

FRANCIS GRICE called and examined.

By the CHAIRMAN:

Question. Where do you reside?
Answer. I reside at present at Philadelphia.
Question. What is your occupation?
Answer. I am a naval constructor.
Question. Where are you employed at present?
Answer. I am now on leave of absence.

Question. Where have you been employed?

Answer. At Portsmouth, New Hampshire.

Question. You have given testimony before the other investigating committee, I believe?

Answer. Yes, sir; I left the yard soon after that testimony.

Question. All that we want now is your knowledge of what has transpired since the closing of that testimony, with regard to the Navy Department?

Answer. I do not know of anything very remarkable.

Question. Were you not applied to to endorse a certain Patrick Lafferty as master carpenter?

Answer. No, sir.

Question. State what you know about it then?

Answer. All that I know about Mr. Pat. Lafferty is that he was sent to the yard and appointed, provided he could pass an examination.

Question. Whose duty was it to examine him?

Answer. The duty was assigned to the commandant of the yard, engineer of the navy, and myself, and the duty devolved upon me, being ship-carpenter, and the other gentlemen not knowing much about the subject; so I examined him—that is, I put such simple questions to him as any carpenter could answer, but he did not answer them satisfactorily, and I could not conscientiously pass him.

Question. Were you not told by another Mr. Grice who had charge of that department that it was the wish of Mr. Buchanan that he should be put into that place?

Answer. Mr. Samuel Grice did tell me that the collector had been

up to the navy yard to see me, and I told him that I was not aware of it. He said I was introduced to him in the blacksmiths' shop. I told him that I then recollected that there was a gentleman in the blacksmiths' shop with the master blacksmith. I was introduced to him and spoke to him in the usual way; as I was passing around into the different workshops, as is my daily habit, I saw this gentleman with the master blacksmith, and he did not say anything to me at all about wishing to speak to me. Mr. Grice then told me that this gentleman had been there, and he supposed I had treated him rather coolly; I said that I was not aware of it. That gentleman was Colonel Baker, and I went afterwards to see Colonel Baker, because I did not wish any gentleman to suppose that I would intentionally treat him with disrespect. I explained the reason why I did not stop and speak with him, as I did not know that he had any business with me, and my business was urgent, in passing through the different shops. I told him that I was sorry if I had done anything to cause him to suppose that I intended to treat him with disrespect.

Question. Did Mr. Grice tell you what Colonel Baker's business there was?

Answer. When the news came by telegraph that I was to be ordered to Portsmouth, New Hampshire, he observed to me that if I had seen that gentleman perhaps the thing would have been different.

Question. Did not Mr. Grice tell you exactly what Colonel Baker wanted you to do, and that it was Mr. Buchanan's request that it should be done; and were you not removed on account of its not being done?

Answer. No, sir; he did not refer to that. It is my recollection now that Mr. Grice informed me that Mr. Baker remarked that it was the President's wish that Mr. Lafferty should be received into the yard.

Question. Did you not object to putting in a man who was totally incompetent?

Answer. Of course I did; that is a matter of record.

Question. Were you not told that that was the reason why you were removed from there?

Answer. No, sir; I do not know that that was the reason. They make changes, and we have no right to ask any reasons for them.

By Mr. ROBINSON:

Question. All you have to do is to obey orders?

Answer. Yes, sir, that's all.

By the CHAIRMAN:

Question. Do you know of Mr. Swift's continuing to deliver timber up to this spring?

Answer. I know no more about Mr. Swift than what has been reported to the department.

No. 60.

FRIDAY, *May* 18, 1860.

SAMUEL B. GRICE called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Philadelphia.

Question. What business are you engaged in?

Answer. In the lumber and timber trade. I have been a contractor with government for timber.

Question. Are you a brother and partner of Joseph Grice?

Answer. Yes, sir; I am a brother of his, and I am a nephew of Francis Grice, naval constructor.

Question. Had you a conversation with Colonel Baker, the collector at Philadelphia, relative to the detachment of Francis Grice to the Kittery yard?

Answer. I had, sir.

Question. Please to state what that conversation was, and what gave rise to it.

Answer. About the 1st of July last, or the former part of July, I saw a telegraphic despatch announcing the detachment of Mr. Grice from the Philadelphia yard. I called upon several gentlemen who were political friends and acquaintances, and subsequently, the same day, called upon Colonel Baker, at the instance of those gentlemen. I stated to him my surprise at the announcement of Mr. Grice being detached so unexpectedly to himself and his friends, and suggested some reasons which occurred to me as a probable cause for his detachment. Colonel Baker, having heard me, stated that he had, a few days previous to that, called at the navy yard for the purpose of seeing Mr. Grice and consulting with him upon the matter of an appointment that was then pending, subject to an examination, of which Mr. Grice was one of the examining board. The subject of that examination was the appointment of Patrick Lafferty for master builder at the navy yard. Mr. Baker told me his object in calling upon Mr. Grice, and going to the yard to see him, was for the purpose of saying to him that it was the wish of the President that Mr. Lafferty might be appointed to the position. Mr. Baker stated to me that he had seen Captain Engle, who was chairman of that examining board, and stated to him what the wish of the President was. He, not knowing Mr. Grice, had thought it necessary first to ascertain whether he might call upon him upon the business, and before seeing him he had stopped to see one or more of the master workmen, and see what kind of a man Mr. Grice was, to use Mr. Baker's language. When on this business with the master blacksmith of the yard, I think, and in the blacksmiths' shop, Mr. Grice, in his daily routine, passed through the blacksmiths' shop, and was introduced by the master blacksmith to Mr. Baker.

By Mr. WINSLOW:

Question. Were you there at that interview?

Answer. No, sir; Mr. Baker told me this in my interview with him, sir. I know nothing of it myself.

By the CHAIRMAN:

Question. Proceed with your narrative.

Answer. I wish the committee to understand that this is a conversation with Mr. Baker to me, which I am repeating. Mr. Baker told me that he thought Mr. Grice did not receive him with the consideration that was due to him; whether he meant as collector of the port or individually I am not able to say. He seemed to evince some feeling as to the treatment he had received from Mr. Grice upon that occasion; but he left the yard without accomplishing his purpose, which I understood him to say was to inform Mr. Grice of the desire of the President relative to the appointment of Mr. Lafferty. That was about the amount of my conversation with Mr. Baker.

By Mr. TRAIN:

Question. Was that all the conversation you ever had with Colonel Baker with regard to this matter?

Answer. No, sir. I subsequently called upon Mr. Baker with Mr. Grice, in order that Mr. Grice might make an explanation to him. As I repeated to Mr. Grice (my uncle) this conversation, he desired to call upon him and explain that he treated all men as gentlemen who were gentlemen, and that he did not mean to treat Colonel Baker more cavalierly than any other gentleman.

Question. Did Colonel Baker inform you that Mr. Grice was to be detached because of his action in reference to the examination of Mr. Lafferty?

Answer. No, sir, he did not tell me that. Mr. Grice was detached shortly after that report was made.

By the CHAIRMAN:

Question. What do you know about Patrick Lafferty? Was he put into that place?

Answer. I have no official connexion with the yard. I do not know that I can answer that of my own knowledge.

No. 63.

THURSDAY, *May* 24, 1860.

JOSEPH B. BAKER called and sworn.

By Mr. WINSLOW:

Question. In the examination of Mr. Samuel B. Grice before this committee on the 18th of May the witness stated that he had had a conversation with you, in which you said that the object of your calling upon him, the witness, and going to the navy yard to see him, was for the purpose of saying to him that it was the wish of the President

that Mr. Lafferty might be appointed to the position in the navy yard of which you were speaking. Is that so?

Answer. No, sir; that is an entire misrepresentation. Mr. Grice, if my recollection serves me right, called upon me to intercede for the continuance of his uncle at the Philadelphia navy yard. In the conversation with him I said I had been in the navy yard and desired to see his uncle in reference to this Lafferty matter, as it had come up, but I did not have the opportunity.

Question. I understand you, then, to deny that you ever told him that it was the wish of the President that Mr. Lafferty might be appointed to that position?

Answer. Of course I did not; for Mr. Lafferty had been appointed the week before, and it was unnecessary to say anything of the kind.

Question. Had the President ever said to you that it was his desire that Lafferty should be appointed?

Answer. No, sir; he merely said, when I saw him two weeks before, that he was going to appoint him.

Question. The witness, Grice, further says, that you had stated to Engle that it was the wish of the President that Lafferty might be appointed. Did you say so?

Answer. Nothing of the kind. Mr. Lafferty himself waited upon me; he was exceedingly anxious to be approved in his examination, and was fearful that he would not be; that Mr. Grice was opposed to him. At the repeated solicitations of Mr. Lafferty, I went down to the navy yard; I saw Captain Engle, who said that while Lafferty had not promptly answered all the questions put to him, yet he thought that with a little experience he would make a very good master carpenter. I then saw Captain Carr, who said the same thing; and after that, happening to see Mr. Grice, I mentioned to him that if he was of the opinion that Lafferty would make a good master carpenter, with a little experience, he better write to that effect to the Secretary of the Navy, as the examination had been sent on.

Question. At the time you had this conversation Lafferty had received this appointment, I understand you to say?

Answer. Yes, sir; conditionally, upon the approval of the board. Lafferty had come to me before and asked me to see about the matter. But as it was rather a delicate matter I did not do it until after repeated solicitations, and then I was told that they thought he would make a very good master carpenter after a little experience.

By Mr. OLIN:

Question. The appointment was made, as I understand you, subject to thecontingency of his passing the requisite examination?

Answer. I believe that was the custom.

Question. It was so in this instance, was it?

Answer. Yes, sir.

Question. And before the examination had been completed and approved you went, at the solicitation of this man, and had these conversations with the persons you have named?

Answer. No, sir; the examination had been forwarded to Wash-

ington before I saw them at all; had been sent on a day or two previously to the Secretary of the Navy.

Question. Do you recollect the conversation you had with Mr. Samuel Grice?

Answer. Mr. Samuel Grice came to me upon two or three different occasions to get me to interfere or intercede for the continuance of his uncle at the Philadelphia navy yard.

Question. That is all immaterial; what I want to know is, if you had any conversation with Mr. Grice in reference to this appointment of Lafferty?

Answer. That matter might have come up, but generally the conversation was solely in reference to the continuance of his uncle in the navy yard.

Question. And you have no recollection whatever of any conversation in reference to this Lafferty?

Answer. It may have come up in those conversations.

Question. I do not ask if it may have come up, but if you have any present recollection of the fact that there was any conversation in reference to that individual?

Answer. I may have had.

Question. It is a very easy matter to tell whether you have any present recollection of it.

Answer. It is very difficult for me to tell.

Question. I cannot conceive of such difficulty. You understand my inquiry, of course. It is not whether, in fact, you did have a conversation with Mr. Grice about Lafferty, for it is very possible you may have had such a conversation and it now has escaped your memory. But the inquiry is, whether or not you have at present any recollection of having such a conversation. And that is a very easy matter for you to tell. I only ask you to speak of your present recollection of it. This witness (Grice) details a conversation that he alleges to have taken place between him and yourself, which you promptly deny. But you do not seem to recollect whether you had any conversation at all with this man in reference to this Lafferty.

Answer. You will understand that I deny positively ever stating to Mr. Grice that the President wished Lafferty to be continued there.

Question. You see at once that the inference is quite natural that if you do not recollect whether you had any conversation at all with Mr. Grice about this Lafferty, it is difficult to tell what the conversation was.

Answer. I do not say that I had no conversation with him about Mr. Lafferty. Doubtless the name of Mr. Lafferty was mentioned in this conversation. But Mr. Grice came to me especially about his uncle.

Question. In what connexion was the name of Lafferty mentioned? I do not see any necessary connexion.

Answer. If it was mentioned, it was in this way, I presume: there was some report about Mr. Grice; Mr. Lafferty himself, I think, mentioned it to me; that this Mr. Grice was very much opposed to Lafferty's appointment there; that he was in favor of another person, and would do all that he could to prevent Lafferty passing an examination by put-

ting perplexing questions to him, and thus prevent his appointment.

Question. Was Mr. Grice one of the examiners?

Answer. Yes, sir; he puts the questions. Mr. Lafferty mentioned this matter to me once or twice: that he was fearful that Mr. Grice would be very severe in his examination.

Question. You mix up the interviews. In the one case you say that the examination was already had and sent on to Washington; and then you speak of Lafferty's fear about his examination.

Answer. I suppose when Lafferty came to me the examination had not gone on.

Question. I am inquiring as to a particular conversation between yourself and Samuel Grice, in which he says you gave him the information that the President desired this man appointed to the place. Now, if you recollect to have had any conversation at all with Grice upon the subject of Lafferty, I should like you to state what it was. If you do not recollect to have had any conversation with Grice in reference to Lafferty, I want you to answer that?

Answer. I will most cheerfully answer anything that I can get in the proper connexion. As I said before, Mr. Grice called upon me for a specific object, that is for the retention of his uncle at the Philadelphia navy yard. He supposed there would be some difficulty as there was a report in circulation that Grice would be removed from the navy yard on account of some difficulty between him and Lafferty. When Mr. Samuel Grice came to me the name of Lafferty was mentioned I recollect, but in what connexion I do not remember. It came in incidentally—entirely.

Question. Can you say now, that you did not in that conversation express to Mr. Grice the idea, in some form, that the President desired Laferty to be continued in his place?

Answer. Never in the world. I could not have done so, because the man had been already appointed.

Question. Only conditionally, you said, and it was very natural for you to say to those men who were the examining committee that the President was anxious to have that man there?

Answer. I had no right to say it.

Question. You had no business there at all, I suppose.

Answer. No, sir.

Question. You had as much right to say that as anything upon the subject?

Answer. It was a very delicate matter, and it was not until after Lafferty's repeated solicitations, and the result of the examination had been sent on, that I went down to see them.

Question. As I understand you, you have a recollection that Lafferty's name was mentioned; that it was somehow mixed up in this conversation with Mr. Grice; but the particulars you cannot now distinctly remember?

Answer. As I said before, Mr. Grice came upon another subject entirely. He was not interested about Lafferty, but he was interested about his uncle. I was myself interested in his uncle's case. I had a very high respect for the old gentleman, and did all I could to have him retained in the Philadelphia navy yard, although I had never

met him before, and knew his character only from reputation. I have met him since. It is very difficult for me to recollect all the details of the matter.

By Mr. WINSLOW:

Question. I understand you to deny absolutely that you ever told Mr. Grice that the President desired Mr. Lafferty's appointment?

Answer. Certainly; I deny that most absolutely.

Question. Did the President ever tell you that he desired his appointment?

Answer. No, sir.

Question. I understand you to say that you endeavored to prevent Mr. Grice being detached from the Philadelphia navy yard?

Answer. I wrote to the President at this gentleman's solicitation; spoke of the age of the old gentleman, of the effect the climate of New Hampshire would have upon him, and urged that if he could not be retained in Philadelphia, that he be stationed in Norfolk, Virginia, or in Brooklyn. I do not remember which now. I called twice to see the Secretary of the Navy, to urge upon him to do something for this old man as I considered him a very deserving man.

Question. What did the Secretary say?

Answer. He said he would take it into consideration; that it was customary to change those officers, and he did not know what he could do. This conversation I reported to Mr. Grice, who called on me several times.

No. 68.

FRIDAY, *May* 25, 1860.

FRANCIS McCORMICK called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Philadelphia.

Question. Were you at one time in the custom-house there?

Answer. Yes, sir; I was appointed on the first day of May, 1853, and continued there until the 1st of May, 1858.

Question. By whom were you removed?

Answer. By Mr. Joseph B. Baker, the present collector.

Question. Did you have any conversation with Mr. Baker as to the cause of your removal?

Answer. I did.

Question. State what that conversation was.

Answer. Well, possibly I better preface it a little with a history of the causes of my meeting him and having the conversation.

Question. Very well, make your statement.

Answer. During the election of the delegates to the convention for nominating candidates for the supreme court of our State I had a conversation with Mr. Baker, and he requested me to use my influence

to elect a delegate from my precinct to support a certain gentleman that he named for judge. I told him that our friends were all committed the other way, and it would be impossible for me to do anything if I had the disposition; and I understood from his conversation very distinctly that that would not suit him; that Judge Porter, the one our friends were for, was opposed to the administration, and for that reason he did not wish him nominated. I had another interview with him on the day of election, and he was very much opposed to the election of my friend as one of the delegates, as he was a friend of Judge Porter. My friend was elected, went into the convention, and voted for Judge Porter and against Mr. Sharswood, the one Mr. Baker was in favor of. The convention adjourned on Thursday or Friday, and on Saturday evening of the same week I was informed by a clerk occupying the same position in the department that I did, that, politically speaking, my head was off.

By Mr. WINSLOW:

Question. Did you find your head off?

Answer. I found it off politically. I saw Mr. Baker the next week and told him that I understood that I had been prejudiced by the action of my friend in the convention. He said "yes." After some further conversation, he told me that he had not yet said he would remove me. I asked him if any charges had been brought against me as an officer. He said no; that I had been represented to him as one of the first officers in the department. I then asked him if any charge had been made against me as a man and a democrat. He said no; that all that he had ever heard of me any man might be proud of. I said I supposed he wanted a victim. He said that before he did anything he would see me again. He said I had made a great mistake; that if he had been in my place he would have voted for a Sharswood delegate. I replied that I had not been in the habit of running against my friends.

Question. Do you know of anybody else who was removed?

Answer. John F. Schell was removed. But I can hardly say that he was a friend of Judge Porter, but he was a friend of Judge Porter's friends; and after my removal it was very currently reported that he would have to go also. But he being in another department, it appears he could not be reached until the appraiser's department, it appears he could not be reached until the appraiser, Mr. Berrell, was reached. The appraiser was from my district, and after his removal Mr. Schell went.

Question. Berrell and Schell both went?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Was there any charge of inattention or incompetency against the men who were removed?

Answer. No, sir. From my knowledge of Mr. Schell I can say that he was a very efficient man, and he had that reputation under the former collector.

By Mr. WINSLOW:

Question. How with Mr. Berrell?

Answer. I suppose the same, from his having been promoted from a lower position.

Question. You do not know so well about Berrell?

Answer. No, sir; I was not in his department. I know that he was an attentive man—always at his post.

By the CHAIRMAN:

Question. Have you had any conversation with Mr. Baker in relation to the support of Mr. Forney, and the propriety of Mr. Buchanan's Lecompton doctrines?

Answer. Well, I had a conversation with him just after the inauguration of Mr. Buchanan's Lecompton policy—after a debate in the Senate between Douglas and Bigler. I had expressed myself very freely amongst my friends in favor of Douglas's position. I heard that my name had been canvassed in connexion with the matter before the collector, and I took occasion to call upon him. I was a stranger to him at that time, and I introduced myself to him. I told him what I had heard. He said, yes, that my name had been mentioned to him. I told him that I supposed that Mr. Forney was a good enough democrat; that we all swore by him there; that is, we had subscribed for his paper under the auspices of the administration, as we supposed, and we supposed that he preached good democratic doctrine. Mr. Baker remarked, "yes, we all entertained those views, that Forney was correct; but the President has settled upon another view of the case, and as government officers we are all bound to support the President." I told him that, from the information I had received from the papers, I supposed that Mr. Buchanan was going to make a test of it, and while I was holding a position under the government I had made up my mind that I would keep my views to myself. He seemed to think that was prudent, and seemed to speak as if his own private views were the same as those of democrats generally.

By Mr. WINSLOW:

Question. Do you believe in rotation in office?

Answer. Well, I cannot say that I do. I was just going to remark that Mr. Baker suggested that rotation in office was a principle of the democratic party, and that a man who had been in office for four years should not object to a change in favor of others. But I thought he was beginning at the wrong end, as some men had been in office twenty-five years, while I had been in office only five years.

No. 69.

FRIDAY, *May* 25, 1860.

JOHN F. SCHELL called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Philadelphia.

Question. Were you at any time engaged in the custom-house there?

Answer. Yes, sir; I was engaged there about five years, up to the 1st of May, 1859.

Question. Were you removed from office, and if so, by whom?

Answer. Yes, sir; I was removed by Dr. Morrison, the surveyor.

Question. For what were you removed from office?

Answer. The morning I received my notice of removal I asked him if there was any charge against me; he said there was none, and that I could leave with a perfectly clear conscience; that I had been a perfectly faithful officer; but he remarked at the same time that there were some little political matters that caused my removal that he could not mention just at that time.

Question. Did you take measures to ascertain what those causes were?

Answer. Yes, sir.

Question. State what they were.

Answer. I was told——

By Mr. WINSLOW:

Question. Who told you?

Answer. Not Dr. Morrison, but some friends who went to see him.

Mr. WINSLOW. That is not evidence.

By Mr. TRAIN:

Question. I suppose you went for Judge Porter and not for Judge Sharswood?

Answer. No, sir; I supported Sharswood, and helped to elect a delegate in my precinct for Sharswood.

By the CHAIRMAN:

Question. Did Mr. Baker want you to go for Lippincott?

Answer. No, sir; I had no conversation with Mr. Baker about that matter; I was in the employ of Mr. Berrell, who was appointed appraiser by Mr. Buchanan.

By Mr. WINSLOW:

Question. When were you appointed?

Answer. I was appointed by Charles Brown when he was collector, and was removed on the 1st of May, 1859.

Question. Do you believe in rotation in office?

Answer. I believe that is democratic doctrine; I was rotated out of one into a better one.

By the CHAIRMAN:

Question. Does not the rotation generally take place in your department at the time you vote wrong, vote against the will of the leaders?

Answer. Yes, sir; about the time of the election of delegates most rotations take place.

No. 70.

FRIDAY, *May* 25, 1860.

ANDREW BRUMAKER called and sworn.

By the CHAIRMAN:

Question. Where do you reside?
Answer. In Philadelphia.
Question. Were you ever engaged in the custom-house there?
Answer. Yes, sir.
Question. What position did you hold there?
Answer. I was first appointed as what is termed there a revenue officer, and then I was promoted to inspector of customs.
Question. When were you appointed?
Answer. To the best of my knowledge I was appointed on the 13th of May, 1853.
Question. When were you removed?
Answer. On the last day of November, 1859.
Question. For what were you removed?
Answer. To the best of my knowledge and belief it was for ——

By Mr. WINSLOW:

Question. How do you know?
Answer. By the proceedings of the convention and the election.
Mr. WINSLOW. That could hardly afford you information why you were removed from office.

By the CHAIRMAN:

Question. State your connexion with it.
Answer. We had an election for senatorial and representative delegates to a convention. I was a candidate for representative delegate, and John G. Brenner was a candidate for senatorial delegate. I was certainly always friendly to the administration, and I knew Brenner to be friendly to the administration and to Mr. Buchanan, and I did not know why they opposed Mr. John G. Brenner. I was sent for to go to the custom-house, and I went there. Mr. Hamilton, the surveyor of the port of Philadelphia, asked me who were going to be the candidates in my ward for the convention. I told him as near as I could, and told him that all the precincts had not settled upon that. He asked me in relation to my own, and I told him that we had not settled upon our delegates; but I said he might depend upon it that we would send men favorable to the administration; I left him then. In two or three days I was sent for to go to the custom-house again. I went there, and was before Mr. Baker, the collector of the port of Philadelphia; and when I got there I found that every man that held position from our whole representative and senatorial district was there. Mr. Baker began to speak about my being a candidate for the convention, and spoke about my backing down and not being a candidate, as there were so many office holders candidates that he did not want me to go. I said to him, "Mr. Baker, if you make

a general rule of it, I will certainly back down, but not otherwise." Said I, "I do not know the cause of it, but ever since I have been here, every convention that I want to go to I am asked to back down and give way to others." I asked, "Who do you want to go?" He said, "Mr. George Reese is a very nice man." I said, "He can't be elected in my district." He wanted to know why. I said that we had a hard district, and if Mr. Reese was a candidate, I thought he would be beaten. He then named Mr. A. L. Snowden. I told him that Mr. Snowden could not carry a delegate in our precinct.

By Mr. WINSLOW:

Question. You did not think Mr. Snowden a popular man?

Answer. No, sir. He then named another man, Mr. Johnson. As he named Mr. Johnson, Mr. Johnson's particular friend, who was sitting in the room, got up and said that Mr. Johnson had requested him to say that he was not a candidate. I said I was a candidate, and could be elected. There was not much more said at that time in relation to it. I told Mr. Baker that I was determined to go to that convention; that I had been backed down several times, and now I had a particular reason for going. He wanted to know what it was. I said I wanted to serve a friend there, the Hon. Wm. H. Witte, for governor. He said there were reasons to be considered. I said, "Yes, I know that, but I shall try to serve my friend first."

Question. You were a friend of Witte?

Answer. Yes, sir. There was not much more said about it at that time, and we left on those terms—that I would not back down for any one there. In the meantime, Mr. Snowden and others came to my house, and said that Mr. Baker sent them there. However, I believe I am getting a little ahead of my story. I went to work, doing all I could to be elected. I found the whole force concentrated in my ward—in my representative district we have something like twenty-five or thirty office holders. I knew the administration was mighty powerful, and it was not worth while to work against them all. They defeated me. After that I went down to the other convention, knowing that Mr. Brenner had a majority of that convention. On my road there I met some gentlemen, who told me that the convention had adjourned, and that they had defeated Brenner. I went down the next morning to Mr. Brenner's store, and told him I was going to resign. He wanted to know why. I told him I was going to do it because I knew I would be removed, and I would resign with a long letter, stating my whole opinion about it. He said they would not dare to remove me, and if they did it would be better for me, and that I better not resign. I told him I would take his advice. But sure enough, at the end of the month, I had to go. There was another man discharged, too. I was talking with Mr. Hamilton, the surveyor, in relation to this matter, and he called me up and said, "I do not see what use there is in having such men as John Clark here." I asked him why. Said he, "he has been here six or seven years, and he has never carried his precinct." I then went and told John Clark that he had better try to be elected. He asked why, and I told him plainly that if he did not get elected, or get some friend of the administration elected, he

would be discharged. He said he did not believe they could elect an administration man there. I told him what would be the consequence; and he was discharged.

No. 73.

SATURDAY, *May* 26, 1860.

GEORGE DOWNEY called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Fifteenth street, No. 409, north, Philadelphia.

Question. Were you engaged in the custom-house there, and if so, in what capacity?

Answer. I was engaged as a night watchman, or night inspector there.

Question. When were you removed, and by whom?

Answer. I was removed on the last day of November, 1859.

Question. By whom?

Answer. I got my papers from the custom-house, from my captain.

Question. Did you know what you were removed for?

Answer. I did not, sir; not directly.

Question. Had you any conversation with the collector, Colonel Baker, upon the subject?

Answer. Yes, sir, I had afterwards.

Question. Please state what that conversation was?

Answer. One of my friends told me that Colonel Baker wanted to see me, and I went down there. We had some little talk; and after we had talked a while, I asked Colonel Baker to tell me what I had been dismissed for, so that I could tell my friends outside. I asked him if it was in consequence of any misdemeanor or neglect of duty. He said no, there was not a scratch against me, and he also said that he was sorry it had happened. I asked him if it had anything to do with our delegation; he said not exactly; and then he said our delegate that we elected, Thomas Mercer, did not elect John G. Brenner; and said he, if he had, your friend Brumaker's neck would have went off forthwith. Both their necks were off then. It was for this, after I was dismissed, that he sent for me to see me.

Question. What did Colonel Baker say with regard to the vote defeating Brenner?

Answer. Nothing at all; he did tell me the principal part of it was that I had been so long in office, and there was so much outside pressure, and that removed me. That is pretty much the essence of all that I can tell you. I left him then, and have seen him since, but had no conversation upon this subject.

Question. Do you know others to have been removed from the same cause?

Answer. Yes, sir; George Horn and John Clark were removed forthwith. We remained the month out before we were removed. I

think the election was in the former part of November, and this was in the latter part of the month.

Question. These candidates were all democrats?

Answer. Every one of them, sir.

Question. It was merely because you would not vote for a particular candidate that Colonel Baker wanted, that you were removed?

Answer. I guess that was it. He did not tell me so, but it looks very probable that was it.

Question. I want you to explain the mode of making collections for political purposes, whether it is by contributions, with the amount designated, and the purpose, or whether it is an assessment, with the amount each individual is required to contribute. How do you do these things there, what is your custom?

Answer. Our captain comes there and tells us that we are assessed so much; that comes from headquarters. The amount that we have to pay is put down; it is seven dollars and a half at a presidential election, that is the highest; for a State election it is about five dollars.

Question. That is the assessment in your own office?

Answer. Yes, sir; that is the amount in our night department. Our captain collects it; he has the list there, and our names are all put down, each one taxed so much.

Question. You are taxed in proportion to the salary you get?

Answer. Yes, sir; I think that is the way.

Question. What is your salary?

Answer. Our salary is about $540 a year. I know that we were taxed seven dollars and a half in the presidential election, and the day laborers were taxed fifteen dollars.

Question. Was it obligatory on you to pay this?

Answer. We need not pay it that I know of; but I never saw it refused.

Question. What did you understand would be the consequence of refusing?

Answer. That I cannot tell you. It might be that the man would have his head cut off; but I have never seen any refusal to pay the assessment.

Question. It was so understood, then, that it was necessary to pay them in order to retain your place?

Answer. I did not take it as such; I took it that it was to support our party.

Question. Did Colonel Baker tell you that if one vote had been necessary to defeat Brenner, Mr. Brumaker would have been removed immediately?

Answer. He said, "George, your delegate's vote did not elect Brenner; but if it had, your friend Brumaker's neck would have been cut off forthwith." His vote did not elect him.

Question. He was removed when you was?

Answer. Yes, sir; we went together, on the last of the month.

SATURDAY, *May* 26, 1860.

ANDREW BRUMAKER recalled.

By the CHAIRMAN:

Question. Are you required to contribute anything out of your salary for political purposes?

Answer. We are assessed so much per cent. on our salary at every election.

Question. In what way is that done; is the amount definitely fixed by some other party than yourself?

Answer. It is done by some other party; by whom we do not know. It is done in the departments. I think, to the best of my knowledge, that in the last fall election we were assessed one per cent. on our entire salary.

Question. How was it in the year of the presidential election?

Answer. We were assessed then, to the best of my knowledge and belief, thirty-two dollars.

Question. What is your salary?

Answer. My salary is $1,095 a year.

Question. That class would pay about three per cent. on their salary?

Answer. Yes, sir. We are assessed at every election; we do not know who puts it on. We get together and want to know what we have got to pay; we have a good deal of talk about it, but it is of no use at all to talk; there is the assessment and we are required to pay it. In fact, I never knew one to refuse to pay it to my knowledge.

Question. You do not pay it voluntarily?

Answer. They do not like it, but they do it.

Question. What would be the consequence if any one should refuse to pay his assessment?

Answer. The consequence would be that I do not think he would remain there much longer. I know many men who did not like to make these payments. I hated to pay them myself, because I am assessed so much in my own ward. We all kicked up against it, but it was of no use. We knew the consequences of refusing to pay, and did not wish to lose our situations.

Question. Is there any requirement as to whom you shall vote for? Are you required to vote for whoever the head of your department wishes to have elected at primary elections as delegates?

Answer. That is very much a general thing among us. They all look for us to vote for their candidates, let them be who they may.

Question. How is it at primary elections in contests between you in the party?

Answer. With few exceptions every man is sent for to the custom-house, and when they come there this matter is talked over.

Question. The custom-house appears to be the head of the machine?

Answer. Yes, sir; it is the head of the machine.

Question. Do you know any person refusing to vote in accordance with the dictates of the collector that was not removed for some cause or other?

Answer. I have known instances of the kind, and the men were removed; but there was no satisfaction given to them as to what they were removed for.

Question. I ask you whether you knew of any single instance where a man refused to vote as he was directed, that he was not removed for some cause or other very soon?

Answer. I have known several cases where men were removed because they did not vote for the same ticket that the collector was in favor of.

By Mr. OLIN:

Question. Do you know of men being retained in office who went against the wishes of the collector? Did you ever know an instance of that kind?

Answer. I do not know one that was retained there under those circumstances.

Question. Were you in the employment of the custom-house when Mr. Brown was collector, during the administration of President Pierce?

Answer. Yes, sir; I was appointed revenue agent; I was in a month or two. I never held the position before and was not familiar with the duties of the place. I was an applicant for the office of inspector. When I was in there a month or two I wrote a resignation and took it up to Mr. Brown, but he refused to accept my resignation. He thought I was competent to discharge the duties and deserved the place, and he promoted me at the beginning of the month.

Question. While in the employment of the custom-house there were you required to conform to the wishes of the collector in your political conduct?

Answer. No, sir.

Question. Go on and state whether you did conform to his wishes in all matters?

Answer. In several instances the inspectors quarreled among themselves in relation to the candidates, delegates, &c., and I recollect that Mr. Brown at one time sent for me in relation to delegates to the State convention to send delegates to the national convention. He wanted me to go for certain men and spoke to me about it. I told him that I had my preference. At that time John G. Brenner was a candidate. He mentioned William Rice to me; he also spoke of George Williams and Joseph Lippincott, and said that they were good men, &c. I said yes, they were good men, but Mr. Brenner had always been a good friend to me, and I went for my friends. I was well aware that Mr. Brown did not want Mr. Brenner to go to that convention; but I went there and did all in my power for him, and Mr. Brown never said a word to me about it.

Question. Have you known others to act in the same way?

Answer. Yes, sir. I don't know how it happened, but I have often spoken of it, that we never agreed. We have had instances that I happened to hear of his wanting to see me in relation to some other matters during this administration, and when I was sent for I did not go; I staid away for I thought what would be the consequence. I had

my preference and they had theirs, and for that reason I kept away until after the election was over, and then I would go and see them.

Question. So far as your experience goes, the power of the office was not wielded to control local affairs during Mr. Brown's administration?

Answer. No, sir; it was not.

[Mr. Winslow here appeared in the committee room and the substance of the above testimony was stated to him.]

By Mr. WINSLOW:

Question. Do you know of any one ever being turned out for refusing to pay his contribution?

Answer. I will state that there have been several of us who talked about the matter when we were assessed.

Question. You never knew of any one being turned out for not paying, did you?

Answer. No, sir.

No. 74.

SATURDAY, *May* 26, 1860.

PATRICK LAFFERTY called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Philadelphia.

Question. Have you ever had an appointment in the navy yard there?

Answer. Yes, sir.

Question. What was it?

Answer. Master carpenter.

Question. How came you to get that appointment, through whose influence, and for what purpose?

Answer. I got it through Mr. Baker and Mr. Florence, and I think by an order of Mr. Buchanan to Mr. Toucey.

Question. What was the reason given you by any person why you were selected for that place?

Answer. Well, in the first place, I suppose for party services, and in the next place because I was competent.

Question. What was said to you in regard to your selection on account of party services?

Answer. They thought I could manage the place better than most anybody else. But then there is another qualification required there also; when you get an appointment you must pass an examination as being competent.

Question. Was there any difficulty about your passing an examination?

Answer. There was a little difficulty between Mr. Grice and me. At least he and I never had any words about it, but I knew he had shown his preference for another man. I had reported myself ready for examination, and he had put it back for one thing and another. Finally I got him to examine me, and he kept me two hours and a

half the first day, and was not satisfied with that and brought me back the second day following and kept me an hour and a half that day.

Question. Was not the main cause of your getting that place in consequence of your being able to render more political service than others?

Answer. I think that had something to do with it.

Question. How long did you hold that place?

Answer. Four months, all but a few days.

Question. Did you resign, or were you removed?

Answer. I was removed.

Question. For what were you removed? State everything connected with your removal?

Answer. I do not know anything that I was removed for, unless it was on account of Mr. Baker and me disagreeing about the local elections.

Question. Had Mr. Baker anything to do with the navy yard?

Answer. Nothing; he was in the custom-house.

Question. Did Baker interfere with persons belonging to other departments in their right of choice in voting?

Answer. He did down there, as far as that is concerned.

Question. State what took place in connexion with your removal; give a history of it?

Answer. Well, the first thing I knew about there being any fuss was a little while after the October election. I understood that there was trouble with the bosses in the navy yard from a friend of mine down here, and I wrote to him one day to know if my name was mentioned among the rest. He telegraphed up to me: "See Baker, or fear removal." That is the first I knew of it.

Question. Who was this friend of yours?

Answer. Colonel Florence.

Question. Did you see Mr. Baker?

Answer. Yes, sir.

Question. State the interview that you had with Mr. Baker.

Answer. He said I had cheated him in relation to electing a member of the city executive committee; I told him that could not be so; he said I had cheated him and tricked him, and that I had got to be removed for it; I told him if that was the case I did not care, and would have to take the consequences.

Question. What followed?

Answer. That evening I came down to Washington and met Mr. Tyler here, and was informed that he was here waiting for my removal at the time; I went over to see Mr. Buchanan and had a talk with him, but he did not tell me whether he would remove me or not.

Question. Had you a long conversation with Mr. Buchanan?

Answer. Yes, sir; I think I was there about an hour and a half.

Question. State what he said and did.

Answer. He told me that he was very sorry for the trouble we had in Philadelphia; that us people up there kept him in hot water all the time; he was sorry Baker and me had any difficulty; he told me he did not know whether he would remove me or not.

Question. Did he not profess great friendship for you?
Answer. Yes, sir, he did.
Question. In what way did he show it?
Answer. He told me that if he did not remove me the papers would come out and say that he had no confidence in Mr. Baker; I told him I could not help that.
Question. Well, what followed that?
Answer. I went home, and everything was quiet; I wrote down to the department to see if there were any charges made against me.
Question. To whom did you write?
Answer. To Governor Toucey.
Question. Did he reply?
Answer. Yes, sir.
Question. What was that reply?
Answer. He wrote back that there were no charges against me, but that I was removed; and that ended my official capacity in the navy yard.
Question. What has been the mode of making assessments or collections of persons connected with the department? State how it was done.
Answer. The way we make assessments in Philadelphia is this: The city executive committee make the assessment; they assess the men so much according to the salary they get.

By Mr. WINSLOW:

Question. According to their ability to pay?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Were you assessed while you were there?
Answer. Yes, sir.
Question. Did you contribute voluntarily?
Answer. Yes, sir; if I had the money I gave it to the party, and if I did not have it I borrowed it.
Question. What per cent. of their salaries were persons assessed?
Answer. Some were assessed $100, and so on down, according to the positions they held.
Question. Was it obligatory on them to pay what they were assessed, or was it considered so?
Answer. O! well, you know party usages require people to pay that; when you were assessed as candidate you paid it.

By Mr. WINSLOW:

Question. You paid it cheerfully, did you?
Answer. Yes, sir, and I wished I had more to give the party; that is all.

By the CHAIRMAN:

Question. Did you not know others who growled at being obliged to pay this?
Answer. Certainly; there is always plenty of that kind of people, and we only wish you had them all; the only trouble with me is that I have not enough to give the party.

Question. Do you know whether this custom of removing men for voting for the candidate of their preference is not altogether a new custom in Philadelphia?

Mr. WINSLOW. I object to that question.

By the CHAIRMAN:

Question. Do you know Charles Clement?

Answer. I know one man by that name.

Question. Do you know that Charles Clement whose name is on the pay-roll of the navy yard?

Answer. There is a Charles Clement appointed second clerk to the storekeeper of the Philadelphia navy yard.

Question. What is his salary?

Answer. I think about $700 a year; I do not know exactly.

Question. Do you know whether he ever does any work in the store as clerk?

Answer. I never saw him doing any.

Question. Do you know whether he can write at all or not?

Answer. I never saw him write.

Question. Do you not know that he cannot write a bit?

Answer. I cannot say that.

By Mr. ROBINSON:

Question. Did you ever hear the man himself say that he could not write?

Answer. No, sir; any man who could not write would very seldom tell it to other people.

By Mr. OLIN:

Question. Who did you ever hear say it of him?

Answer. I never saw him write myself.

Question. What do you know about his ability to write, or about his not being able to write at all?

Answer. I do not think he has any ability to write.

Question. From what do you judge that?

Answer. From the fact that he never does any of it that I see; that is the only knowledge I have of it.

Question. You say you never saw him do anything in that place; where is he employed?

Answer. He is a bricklayer by profession, and generally does the job work about the navy yard of bricklaying; that is, repairing when it is necessary.

Question. Is he acting under the appointment of clerk and doing brick work?

Answer. I do not know; I guess that by going to the Bureau of Yards and Docks you could find out whether he gets pay for bricklaying or not.

By the CHAIRMAN:

Question. Did not Mr. Cummings get him appointed so that he (Cummings) might draw his salary?

Answer. The storekeeper is required to have a first and second clerk; and, as far as I understand, they never had but one clerk until the board came around in 1857 and compelled them to appoint the second one.

Question. Was not Mr. Cummings pocketing the pay for the second clerkship before the board came around?

Answer. Somebody got the pay.

Question. And they required him to make the appointment so that the pay might be got legally?

Answer. Yes, sir.

Question. Do you not know that Cummings is himself drawing the pay for the place to which this man Clement is appointed?

Answer. I do not know; but I know that if I was in his place I would get it myself.

By Mr. OLIN:

Question. What means of knowledge have you as to who does draw the pay of this clerk?

Answer. The way you get your pay in the navy yard is this: you have to sign a receipt, and you give it to the purser and he pays you; Clement draws the pay, I think; I am certain of that.

Question. What does he do with it afterwards?

Answer. I do not know.

By the CHAIRMAN:

Question. Do you not know that he hands it over to Cummings?

Answer. It is generally supposed so.

Question. Do you not know it?

Answer. I never saw him hand it over to him.

By Mr. OLIN:

Question. Did you ever hear either of the parties say that that was done?

Answer. I never did, for it would not do for them to say so.

Question. What makes you suspect that that is done?

Answer. Almost anybody would think so.

Question. Why should they think so; because this Clements cannot write?

Answer. You do not suppose they would pay anybody for nothing, and somebody must cover this second clerkship or the pay could not be got.

Question. Is he only put there to be called a clerk?

Answer. That is all.

Question. Are you and the President on good terms yet?

Answer. Yes, sir, and expect to remain so.

No. 76.

SATURDAY, *May* 26, 1860.

JOHN DUNN called and sworn.

By the CHAIRMAN:

Question. Where do you reside?
Answer. In Philadelphia.
Question. Have you been employed in the post office there?
Answer. Yes, sir.
Question. For what length of time?
Answer. I was appointed in the winter of 1853, and discharged on the 15th day of October last.
Question. For what were you discharged?
Answer. The only thing I know of was this: I was sent for in reference to the executive committee of our precinct, and was told that it was required of me to carry the precinct against a particular friend of mine, which I thought I ought not to do, and which I did not do.

By Mr. OLIN:

Question. Carry the precinct how?
Answer. In the election of delegates.
Question. You were sent for and told you must carry the precinct?
Answer. Yes, sir; I was to carry the precinct for a delegate who would vote for Mr. Hocktor in the convention instead of for Mr. Edwards, who was considered an anti-administration candidate.

By the CHAIRMAN:

Question. And you voted for the anti-administration candidate?
Answer. My friend did.
Question. And because you did not control your friends you were discharged?
Answer. Because I did not control the precinct against my friend.

By Mr. OLIN:

Question. Do you mean by "anti-administration candidate" the "people's candidate?"
Answer. No, sir; there was a division in the democratic party, and I was threatened that if I did not go for a delegate for Hocktor I would lose my place.
Question. You did not go for him?
Answer. No, sir.

By the CHAIRMAN:

Question. Had you any conversation with the postmaster about it?
Answer. He stated to me that this precinct should be carried for Mr. Hocktor's friends—for the administration.
Question. Did he state to you what you were removed for after it was done?

Answer. He gave me to understand by his agent that if my friend did not go for Hocktor the consequence would be that I would lose my place; and the consequence was that I did lose my place; I got notice of dismissal on the 15th day of October.

Question. Had you any conversation with the postmaster afterwards about it?

Answer. I never did; one of my friends did.

Question. Was that custom of removing for such causes ever introduced before?

Mr. WINSLOW. I object to that question.

By the CHAIRMAN:

Question. State what is the practice in the post office department in Philadelphia for raising money for political purposes; is it by assessment or by contribution?

Answer. It is by assessment.

Question. What is the rate per cent. generally?

Answer. It is according to what the election is to be; at presidential elections we are taxed more than at other elections; and at governor's election more than at municipal elections; sometimes one per cent., and sometimes one and a half per cent. on our salaries.

Question. Is that made out and fixed before you see the paper?

Answer. They send to us and say they want us to give so much money.

Question. Did you ever know any one to refuse to pay?

Answer. I knew one who refused, but I believe the postmaster paid for him and said that he would expect him to pay it. I do not know whether he did pay it or not. That was Mr. Westcott, and I believe he was removed by Mr. Brown.

Question. Do you know of any one being removed who refused to pay?

Answer. No, sir.

By Mr. OLIN:

Question. Was there any such practice before this present administration?

Answer. It was so under Pierce's administration.

By the CHAIRMAN:

Question. To remove men for voting for their friends?

Answer. No, sir; not under Pierce's administration. A man was never called in then and told that he must do so and so, as he is under this administration. It continually takes place now that he is called in and threatened, if he does not vote so and so, even for ward constable. There is never any election at all now without that.

By Mr. ROBINSON:

Question. That was not the custom under Pierce's administration?

Answer. No, sir; I was in three years under Pierce, and I do not think I ever was waited upon in that way. Mr. Miller, who was postmaster then, would bring his friend to me, he did not ask me to go for him, but introduced him to me, and then left him and went

away. But under this administration you are sent for and told that you must go for this man, that they want him elected.

Question. There has been some division in the democratic party, and they require you to go for those who favor the administration?

Answer. Yes, sir; but there was also division under Pierce's administration.

By Mr. WINSLOW:

Question. Did you ever complain about this?
Answer. No, sir; I might, in talking to my friends.
Question. You never publicly complained about it?
Answer. No, sir.
Question. How long were you in office?
Answer. I was appointed in 1853.
Question. Do you believe in rotation in office?
Answer. I do.

No. 79.

WEDNESDAY, *May* 30, 1860.

FREDERICK ENGLE called and sworn.

By the CHAIRMAN:

Question. Were you in command of the navy yard in Philadelphia in June and July, 1859?

Answer. Yes, sir.

Question. Do you know anything of a vacancy occurring in the office of master carpenter of that yard about that time?

Answer. Yes, sir; there was a vacancy.

Question. Do you know Patrick Lafferty?

Answer. I never knew him until I saw him there.

Question. Were you directed at the time to form a board to examine Mr. Lafferty, to ascertain his qualifications for the place of master carpenter?

Answer. Yes, sir; I was president of the board.

Question. Is the office of master carpenter a responsible one?

Answer. Very.

Question. What are his duties?

Answer. He is at the head of the department of carpenters; it takes in all laborers; he attends to all the duties, building, &c., under the direction of the constructor.

Question. In the absence of the naval constructor, what duties does the master carpenter perform?

Answer. He would assume that of constructor; the whole control of the carpenters would be under his direction; in the absence of the constructor, I think the commandant would take the charge in a greater degree.

Question. Was the examining board formed; and if so, of whom was it composed?

Answer. Of Mr. Francis Grice, one of the engineers, John P. Whipple, and myself, as president of the board.

Question. Was Lafferty examined?

Answer. He was examined.

Question. Did he pass an examination? If not, why not?

Answer. He did not pass an examination entirely; I think the report said he was a man of capacity, that his answers were smart, but the board did not consider him entirely competent for the office; he was not recommended in full for the office.

Question. Was the report of that examining board sent to the Secretary of the Navy?

Answer. Yes, sir.

Question. Was Mr. Lafferty appointed master carpenter; and if so, by whom?

Answer. He was appointed by the Secretary of the Navy, but I think it was a provisional appointment; that is my impression.

Question. How long did Mr. Lafferty remain in office?

Answer. I think about three or four months; until after I left.

Question. Why was he removed?

Answer. I was not there at the time; I do not know.

Question. Did you know that Mr. Lafferty's appointment was a political one?

Answer. I do not know about that; I believe he had been serving in some railroad, as some officer, for some time before that; Mr. Florence brought him in.

Question. Did you favor his appointment?

Answer. No, sir; I did not; I favored his trial.

Question. Were you solicited to favor him in his examination?

Answer. No, sir.

By Mr. WINSLOW:

Question. You say you "favored his trial;" What do you mean by "trial?"

Answer. To have him appointed provisionally; I thought he had some smart points, and would be useful after a while; but he was not competent at the time.

Question. You were in favor of putting him on probation?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Was he qualified for the position?

Answer. For a provisional commission; he was not qualified for constructor at all.

Question. Did Collector Baker call on you and solicit your influence in favor of Mr. Lafferty?

Answer. No, sir. I would not let him do it, or anybody else, in a case of that kind.

Question. Did any person tell you that the President desired his appointment?

Answer. No, sir.

Question. Or that the Secretary of the Navy had sent him to you?

Answer. I do not think that the President or the Secretary of the Navy ever attempted while I was in that yard—nine months—to influence me in any way whatever as regards appointments or discharges.

Question. You say that no person told you that it was the wish of the President that he should be appointed to that place?

Answer. No, sir; nobody told me that. I do not think anybody told me that. I have no recollection of it at all.

Question. Was Mr. Grice naval constructor at that time?

Answer. He was; he was naval constructor at the time, and was at the examination. I wrote the report myself.

Question. How much time elapsed between the examination of Mr. Lafferty and the transfer of Mr. Grice from that yard?

Answer. I could not say exactly.

Question. Was it within a week?

Answer. No, sir; I do not think so. It was within a very short time, though; I cannot tell exactly. I have a little book in which I note everything down, but I left it at home, or I could give you name and date for everything.

Question. Do you remember hearing any reason assigned why Mr. Grice was removed?

Answer. No, sir; I never heard any reason whatever. I always thought myself that Mr. Grice would do better at a yard where there was not so much to do. I think he was not able to attend to the duties of that yard.

Question. Can you not give the committee some information relative to the appoinment and removal of clerks in the naval storekeeper's office?

Answer. No, sir; the clerks there are appointed——

Question. Who they were, and what they were, and the reasons for the changes? State what know about those things.

Answer. I will say first that the clerks there are appointed by the storekeeper, through the Secretary of the Navy; he confirms them. They do not pass through the commandant, except merely their names pass through him to the Secretary of the Navy. But we have nothing to do with the appointments there. There were some clerks there, but I never saw any of them.

Question. Do you not know about clerks having places in that department who had business outside, and rendered no service whatever in the yard?

Answer. I think there was one named Cummings, who was second clerk in the storekeeper's office. I never saw him there.

Question. Is he a son of the naval storekeeper?

Answer. No, sir; he is a relative; I do know what. I think you will find all that in his own observations before the naval committee of lieutenants who examined that matter. You will find everything there, I think, as regards that. In talking to him about his not coming to the yard, he said that that thing had always been done so; that it was understood so. I told him that he must either come or resign. Either do his duty or resign.

Question. Did he do either?
Answer. He resigned.
Question. This was Cummings?
Answer. Yes, sir.
Question. Do you know what salary he drew?
Answer. I think something like $700 or $750; not over that.
Question. Did he render any service whatever in that office?
Answer. None whatever, I think. He might have been in the yard once or twice while I was there, but I never saw him.
Question. Do you know of other persons who got pay without rendering any service whatever?
Answer. Yes, sir.
Question. Please state what you know about them.
Answer. There was the second clerk of the commandant.
Question. What about that?
Answer. He is in the office of the commandant; that is my office; I never saw him there.
Question. What pay did he draw?
Answer. About $750.
Question. What was his name?
Answer. I do not recollect his name positively. I think it was Eldridge; I am not certain, though. In running over my papers and books I came to his name, and sent for the chief clerk at once, and asked him who that person was, saying that I had never seen him, and did not know anything about him. He told me that he had been in the service a great while, and hadnot really saved anything, and Commodore Stewart gave him permission to have that place, and be absent. I said nothing more about it.
Question. Do you know anything about men connected with newspapers in Philadelphia being paid by the government—a man connected with the "Argus" being employed as clerk?
Answer. Yes, sir.
Question. Do you know anything about his name?
Answer. I do not recollect his name.
Question. Do you know of any other clerks receiving pay without rendering any services?
Answer. I remember a person named Colonel something or other being there; I called the attention of the storekeeper to the fact; after a little while he informed me that he had no use for him, and I ordered his discharge; and they abused me a little in the newspapers, but I did not care about that.
Question. Was he discharged?
Answer. Yes, sir.
Question. Was not there another person put on in his place?
Answer. No, sir, not that I know of. I will say here that I came into the yard at a time when discharges had to take place, which was a most unfortunate time for me; taking them on was very comfortable, but discharging them was another matter; I think there were fourteen hundred or fifteen hundred in the yard when I came in, and I left it with four hundred and ninety-four there.
Question. Were you not in a considerable quarrel with the heads of

the department in Philadelphia in discharging so many—you disposing of them and they trying to keep them on?

Answer. Do you mean the officers of the yard?

Question. Yes, sir.

Answer. I got along with them very well; it was a very disagreeable duty, but it had to be performed, and I did it; I never had a word with the Secretary of the Navy in regard to the matter; on the contrary, he approved my course altogether.

Question. I did not mean the Secretary of the Navy, but the authorities of the navy yard at Philadelphia.

Answer. I had no trouble with them, except a slight difficulty with the master laborer, but with no one else, though they threatened to have me turned out.

Question. Do you know of laborers being crowded in there who were decidedly unfit for their places and rendered no service?

Answer. No, sir; I know of no laborers of that kind; I examined that list very shortly after I got there, and trimmed it down; I got it down to a certain number and would not have it exceeded; they had the authority, and rightly had it, to appoint the men.

Question. Do you know Mr. Cummings?

Answer. Yes, sir.

Question. Does he render any service to the government there?

Answer. He is there once in a while.

Question. Does he render any service to the government for the pay he receives?

Answer. I suppose he renders as much as any of the rest of them do; none of them render much; he has a very competent clerk; I do not like him, but he is very competent; every move I made was known through him here six hours after it was made.

Question. Is not Mr. Cummings's a political appointment, and his place a sinecure?

Answer. It is a political appointment; there is no doubt about that.

By Mr. WINSLOW:

Question. What do you mean by a political appointment?

Answer. His being one of the party—a party appointment.

By the CHAIRMAN:

Question. Is he not paid for political services, and not for services rendered in the yard?

Answer. I cannot say that.

Question. Do you not know that he does not render any service, or very little service?

Answer. I do not think that he does render much service; he is not there often enough to do it; he is absent sometimes for a month at a time.

Question. Do you know of his getting pay beyond his own salary—getting the pay of other parties, clerks, &c.?

Answer. I do not know; I cannot say anything about that; he told me himself that the simple pay of storekeeper could not be much of an object, and I did not think it was myself.

Question. What is the pay of storekeeper?

Answer. It is $1,700 a year.

Question. Do you know Mr. Clement, whose name is given as his second clerk?

Answer. No, sir.

Question. He lays brick sometimes about the yard?

Answer. There is a man of that name there; but I have not very much to do with that establishment.

Question. Do you know whether he is the Clement whose name is down as the assistant clerk?

Answer. I do not; I think it very probable it is; I do not know though.

Question. Do you know whether he has ever rendered any service in the office?

Answer. I do not.

Question. Do you know whether he can write any at all?

Answer. I do not know anything about that man at all.

Question. Do you not know that the store Mr. Cummings draws the pay of Mr. Clement in addition to his own?

Answer. I do not know anything about that.

By Mr. WINSLOW:

Question. In asking you a question, Mr. Covode used the words "head of the department;" I wish distinctly to understand, if we are to understand from you that the Secretary of the Navy—whom we usually call the "head of the department"—ever interfered with your arrangements there?

Answer. No, sir; the Secretary of the Navy never did. On the contrary, he wrote me a very handsome private letter approving my course.

The CHAIRMAN. I distinctly stated that what I meant by "head of the department," was the officers of the yard, the head men in the yard at Philadelphia.

By Mr. WINSLOW:

Question. I think you know Mr. Grice, the constructor?

Answer. Yes, sir, very well.

Question. What is his age?

Answer. I should think he is something like seventy-five or seventy-six years of age, perhaps older.

Question. Were you doing much work in the navy yard at Philadelphia?

Answer. Yes, sir; we were doing considerable work.

Question. Do you consider, from his age, that Mr. Grice was competent to perform the duties of his place there?

Answer. He is a very excellent constructor, but not active enough for the office there. If I had been asked, I would have favored his removal.

By the CHAIRMAN:

Question. Do you know of others who have got pay there without rendering service, or who were totally incompetent for the places they held?

Answer. I know of a man who was at the head of the sawyers; I think he was a foreman.

Question. Who is he?

Answer. His name is Doy. He is an old man, and has been in the service for a long time. He is an uncle of Mr. Florence.

Question. What pay does he get?

Answer. I think $3 or $3½ a day.

Question. Did he render any service?

Answer. He is there every day, but is not able to render much service.

No. 81.

WEDNESDAY, *May* 30, 1860.

EDWARD W. POWER called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In the first ward, Philadelphia.

Question. Had you a situation under the government at any time in the custom house or the navy yard?

Answer. No, sir; I was in the post office for two days; that is, I entered security, but when I found out what the situation was, I resigned.

Question. Were you in the city democratic committee during the election of 1856, or 1858? Were you connected with that?

Answer. No, sir.

By Mr. WINSLOW:

Question. Was that a public office?

Answer. No, sir; certainly not.

By the CHAIRMAN:

Question. What do you know about those fraudulent naturalization papers that so much has been said about?

Mr. WINSLOW. Do you think it is competent to examine this witness?

The CHAIRMAN. Certainly, I do; he has been an officer of the government.

By Mr. WINSLOW:

Question. When were you in the post office for two days?

Answer. It was in the February after Mr. Westcott's appointment. I think it was on the 15th of February that I was appointed, and on the 17th I resigned.

Question. In what year?

Answer. In 1858.

By the CHAIRMAN:

Question. That was during Mr. Buchanan's administration?

Answer. Yes, sir.

Question. Do you know anything about some papers being taken from the Merchants' Hotel, in Philadelphia, to the railroad depot?

Mr. WINSLOW. When was this?

The CHAIRMAN. In 1856.

Mr. WINSLOW. Do you think this is competent?

The CHAIRMAN. I think it is.

Qnestion, (to witness.) Do you know Colonel Baker?

Answer. I know him when I see him.

By Mr. TRAIN:

Question. At any time did he employ you to carry some naturalization papers from the Merchants' Hotel to the railroad depot for distribution?

Answer. Did he employ me to carry papers?

Question. Yes, sir.

Answer. No, sir; he did not.

By the CHAIRMAN:

Question. Did you help carry a trunk for him from the hotel to the station in 1856?

Answer. No, sir, never; I am not a porter.

Question. Did you not carry some papers, or a trunk or package containing any papers?

Answer. No, sir; all I know of papers is that there were some 2,000 copies taken out of the republican headquarters in Chestnut street, during the fall of 1856, with which Mr. Butler and Mr. Plumley were connected; that I do not know of my own knowledge, only as the report goes.

Question. You better only give your own knowledge in either case.

Answer. As for having any connexion with fraudulent naturalization papers, carrying them anywhere, or knowing anything about them of my own knowledge, so far as Mr. Baker or Mr. anybody else is concerned, I know nothing.

By Mr. TRAIN:

Question. You mean to negative any knowledge in any way of fraudulent naturalization papers used in that election or in any election, of your own knowledge?

Answer. All that I know was the evidence produced in court in the case of Cassidy and Mann—the papers produced in court.

Question. You had nothing to do with getting them up, or distributing them?

Answer. No, sir.

Question. Either on your own account, on the account of Col. Baker, or on the account of any particular person?

Answer. There was a package sent to me. I did not know exactly what was in it. I supposed what it was, and threw it into the stove. I did not open the package, or see what it was.

By the CHAIRMAN:

Question. Do you know who brought them to you?

Answer. I do not. They came by Adams's express.

Question. Do you know where they came from?

Answer. I supposed it was a trap used by the Frémont party to detect the men of the democratic party engaged in the campaign of 1856.

Question. Do you know anything about a red trunk being carried up to the railroad station at that time?

Answer. Not of my own knowledge. I was not in Philadelphia at that time. I left Philadelphia in August, and during the month of August I was in Dauphin, Perry county. In September, until the Sunday previous to the October election, I was in Schuylkill and Northumberland counties. The Thursday, I think, after the October election—I am not exactly certain now as to the date—I went back to Schuylkill county.

Question. Have you not had some conversation with Patrick Lafferty on this subject?

Answer. I never spoke to him about this subject in my life.

Question. Do you know anything about who filled up these papers that you heard of being used?

Answer. What? Fraudulent papers?

Question. Yes, sir.

Answer. No, sir; I have answered that question before. I know nothing of that. I have filled up papers myself for the naturalization committee. The papers were taken into court and sworn to, and signed by the prothonotary and the seal of the clerk attached to them.

Question. Do you know that in all cases these papers were used in court, or were not some of them made use of without going into court?

Answer. No, sir; they were always used in court. The only fraudulent papers I saw were the papers said to come from the Frémont headquarters, papers with a red seal; they were exhibited and shown by men who got possession of them.

By Mr. ROBINSON:

Question. Were they filled up?

Answer. No, sir; they had the seal and the signature.

Question. The seal of one of the courts?

Answer. Yes, sir.

Question. And the signature of the clerk?

Answer. Yes, sir.

By Mr. WINSLOW:

Question. Do you know John M. Butler?

Answer. Yes, sir.

Question. Do you know B. Rush Plumley?

Answer. Yes, sir.

Question. Do you know William S. Kelly?

Answer. No, sir.

Question. Do you know Robert Dorn?

Answer. Yes, sir.

Question. Do you know whether the latter two were inspectors of election in the fall of 1856?

Answer. No, sir; I do not know that.

Question. Please to state what you know about the charge against Butler and Plumley.

Answer. I was at the office of the clerk of the quarter sessions. There were a number of men there talking at the time, and amongst them were William McMullen, now alderman, and I think William B. Reed. A rush was made, and I inquired what it was, and they said they had the money of the Frémont men, and they were there to arrest them.

Question. Did you see Butler and Plumley there?

Answer. No, sir; this was about the time they were entering the proceedings?

By the CHAIRMAN:

Question. Do you know this of your own knowledge?

Answer. This is what occurred upon the pavement, and the conversation was that these parties had the money and they were going to arrest them; they were collecting a number of men for the purpose of making the arrest, and it caused considerable excitement at the time.

Question. What money was this? I never heard of it before.

Answer. I think it was something between $300 and $400, given to certain parties for the purpose of electioneering and voting the Frémont ticket; it was a bribe extended to certain men living in the fourth ward—the lower section of the city.

Question. Was that ever established in court? You say they were arrested.

Answer. They were arrested.

Question. Was that ever proved in court?

Answer. Not that I know of; I do not know what became of the case afterwards.

Question. Can you give the name of the party who made the statement to you?

Answer. The statement was made by the papers on the petition.

Question. Can you give the name of any one of them?

Answer. Yes, sir; Dorn was one of them, and there were one or two others that I should know when I saw them, but I do not remember their names now.

By Mr. TRAIN:

Question. All that you know was what you heard upon the pavement?

Answer. Yes, sir; and this matter about Mr. Reed—he was going into court, and the people followed him.

By Mr. WINSLOW:

Question. What official position did Mr. Reed hold? Was he district attorney?

Answer. Yes, sir, he was district attorney then; Mr. Reed passed from Chestnut street towards the court of quarter sessions, and these people made a rush, or rather they went towards him.

By the CHAIRMAN:

Question. Do you know of some of these papers that were filled up outside of the court being furnished to parties who had not been in the country for five years?

Answer. No, sir; I do not know of my own knowledge; I have heard a great deal of talk about it, but I never knew of one person who voted illegally upon false papers.

Question. You say you never had a conversation with Lafferty, and never told him about carrying a trunk for Mr. Baker to the railroad depot?

Answer. I never told Mr. Lafferty or anybody else so.

No. 46.

WEDNESDAY, *May* 30, 1860.

THOMAS McDONOUGH recalled.

By the CHAIRMAN:

Question. In your testimony before, you stated that you were formerly employed in the custom-house at Philadelphia?

Answer. Yes, sir.

Question. There were some questions put to you relative to some fraudulent naturalization papers?

Answer. Yes, sir.

Question. At first you declined to answer, and afterwards stated that you did not know anything about it.

Answer. I did not decline to answer, but denied your right to ask me questions of the kind; that was it.

Question. Since you were here we have information that you were seen with bundles of fraudulent naturalization papers in your hands. Please explain what they were.

Mr. WINSLOW. I think you should give the witness the information that you rely upon.

The WITNESS. It would be a source of satisfaction to me if you would do so.

The CHAIRMAN. It is from one of the men who says he was engaged with him in the business. It is proper for us to put the question.

Mr. ROBINSON. Put the question directly to the witness.

By the CHAIRMAN:

Question. Did you not have some of these papers in your hands at some period?

Answer. I had blank certificates of naturalization, but no fraudulent naturalization papers, to my knowledge, in my life.

Question. What did you have them in your possession for?

Answer. We got them out for the purpose of facilitating the getting men naturalized. We would fill them up, and after that was done the parties would be taken up and sworn, and the name of the prothonotary would be put on and the seal of the clerk attached.

Question. Were not these papers that you refer to filled up by parties outside of the court?

Answer. Yes, sir; we sometimes filled them up outside of the court. In order to explain this matter, I will say that we have committees of naturalization in the different wards, and if I knew of an Irishman or Dutchman who was entitled to his papers I would get a blank certificate of naturalization and have it filled up for him, so that he would have but little time to lose before the court.

Question. When you were here before you said you knew nothing about these fraudulent naturalization papers?

Answer. I say so now; and the man who gave the testimony that I did know is a perjured liar.

Question. Did you not attend to furnishing some papers to parties, and only charge them a dollar apiece for it?

Answer. Yes, sir; and I have frequently got them for nothing; we got them for nothing at the last election.

Question. Do you know where these papers were filled up?

Answer. I know where two or three of them were filled up.

Question. Who filled them up?

Answer. A young man by the name of Henry A. Gildea filled up some of them. They were expert penmen who did it.

Question. How came these parties to be able to get their papers cheaper of you than of the court?

Answer. Because I was connected with the committee; and you will find that five hundred men of both parties got them for nothing. We make an arrangement with the prothonotary to furnish the papers for so much apiece; fifty cents or a dollar apiece, as the case may be. We charge some persons a dollar, if they are able to pay it; if they cannot afford that we charge them less, and sometimes we let them have them for nothing, where they are not able to pay anything. What we lose upon one we make up on another.

Question. Did you not make considerable money yourself in this matter?

Answer. I consider it unfair to ask me such a question, and I—

Question. You are on the stand, not the committee.

Answer. I know that.

Question. You were not brought back here for nothing.

Answer. I am from a State where I bear a good character, as gentlemen of all parties will testify.

Question. That is not answering the question.

Answer. I have not the slightest objection to answer the question.

Question. Answer it then.

Answer. I have not made a cent by that, nor by any other unlawful purpose, any more than you have done.

Question. Where did you get the papers that you handled?

Answer. From the democratic executive committee.

Question. Were any of those papers so filled up testified to in court?

Answer. No, sir; any paper that I had was signed by the prothonotary.

Question. In filling up these papers was any heed given to the time the parties had been in this country?

Answer. You are asking a most foolish question.

Question. We ask such questions as we choose; it is your business to answer them.

Answer. If I was the prothonotary I would have something to do with that.

Question. Did you not say the prothonotary had nothing to do with filling up these papers?

Answer. Yes, sir; I stated that the papers are filled up and handed to a person who had been five years in this country, and he takes them with his witnesses to the prothonotary, where they are signed and sealed.

Question. Did it make any difference in the papers issued by you or the committee about the time the parties had been in this country?

Answer. I never filled any of the papers.

Question. Did you not say you had received fifty cents or a dollar apiece for those papers you were engaged in distributing?

Answer. Did I not say I had never received one cent for that or any other unlawful purpose? I have never committed theft, or robbery, or murder.

Mr. TRAIN. I think the witness is very impertinent.

The WITNESS. I think you are very impertinent, and I will hold some of you responsible when I get out of this committee-room.

Mr. TRAIN. I think we should report this witness to the House.

Mr. ROBINSON (to witness.) Let us have no more such language as this; you are the witness, and the committee ask you such questions as they think proper.

The CHAIRMAN. I am willing to suspend the examination of this witness until we have examined some other witnesses.

The WITNESS (to the Chairman.) Are you willing to give me the name of the witness who told you this?

The CHAIRMAN. No, sir, I am not.

The WITNESS. I am still under oath, I suppose.

The CHAIRMAN. Yes.

The WITNESS. Then I say this charge is a lie from beginning to end.

Mr. TRAIN. I think I understand this matter.

Question (to witness.) As I understand you, these papers are simply blanks?

Answer. Yes, sir.

Question. And they are prepared out of court as a matter of convenience?

Answer. Yes, sir.

Question. And the parties take them into court with their witnesses?

Answer. Yes, sir.

Mr. TRAIN. I do not see any occasion, then, for any such remarks as you have made here.

The WITNESS. Mr. Covode asked me if I had made any money out

of this; I am willing to answer any of your questions as you ask them, respectfully.

Mr. TRAIN. You will recollect that you should answer all the members of the committee respectfully.

By the CHAIRMAN:

Question. You said when you were here before that you knew nothing about those fraudulent naturalization papers?

Answer. They are not fraudulent.

By Mr. WINSLOW:

Question. You deny in the most positive and peremptory manner that you had anything to do with fraudulent naturalization papers?

Answer. Yes, sir.

Question. You say that the custom in Philadelphia with both parties, so far as you understand it, was to save time by having these blank naturalization papers?

Answer. Yes, sir.

Question. You do not mean that they are procured already signed by the prothonotary, sealed by the clerk, and everything prepared?

Answer. No, sir.

Question. But they are obtained ready to be filled up?

Answer. Yes, sir.

By Mr. ROBINSON:

Question. Like a blank summons?

Answer. No, sir.

By Mr. WINSLOW:

Question. And when you meet a man who is entitled to be naturalized the paper is filled up, the proof is got up, and he goes into court with it?

Answer. Yes, sir.

Question. And when they are able to pay they are charged a dollar, and when they are not able to pay they are not charged anything?

Answer. Yes, sir; they give us a dollar or fifty cents if they are able to pay it, and we give them a check on the prothonotary.

By Mr. TRAIN:

Question. And the prothonotary charges his fees to the committee?

Answer. Yes, sir; we give the party a little check to the prothonotary, and when he goes there he is taken up stairs, and the witnesses swear that he has been in the country for five years, and in Pennsylvania for one year, and is well disposed towards the Constitution of the country, &c.

By Mr. WINSLOW:

Question. And the committee pay all the fees in the lump?

Answer. Yes, sir.

Question. Mr. Covode asked you if you had received any money for these papers?

Answer. Yes,

Question. And you said you had not received money for that or any other improper purpose?

Answer. Yes, sir; and no man in Philadelphia who knows me would say that I had.

No. 74.

THURSDAY, *May* 31, 1860.

PATRICK LAFFERTY recalled.

By the CHAIRMAN:

Question. Do you know a man by the name of Myers, in the smith's shop?

Answer. Yes, sir.

Question. Does he do anything?

Answer. He is kind of foreman there, I think.

Question. Does he attend to any business?

Answer. Not that I know of, at present; he has been attending to business.

Question. Do you know a foreman in the spar-making department, by the name of Hoffman?

Answer. I know a spar-maker by that name.

Question. Whom does he boss?

Answer. He bosses the spar-makers.

Question. Does he have any?

Answer. Of course he must have some, some of the time, or there would not be any spars for the ships.

Question. Do you know whether he has had many latterly?

Answer. I do not think there is anything doing in that department now.

Question. Did you use your influence to have Captain Engle removed; and if so, what for?

Answer. We had some trouble; he was interfering with the men in the yard, and we did not think it was right.

Question. In what way was he interfering?

Answer. He was fetching people and putting them in there who did not belong in our neighborhood; and we did not think they ought to be there.

Question. I believe, when we were examining you before, we did not question you with regard to fraudulent naturalization papers?

Answer. No, sir.

Question. Will you please to state what knowledge you have of the issuing and distributing of fraudulent naturalization papers in Philadelphia, previous to the election in 1856?

The WITNESS. How do you mean? Do you mean to ask me if I ever saw any such papers?

The CHAIRMAN. Yes, sir.

The WITNESS. Well, sir, I saw some few, but I do not know whether they were fraudulent or not. I saw some that I supposed were fraudulent, but I could not swear that they were.

Question. Where did you see them?

Answer. With different people.

Question. Inside of the court-room or outside?

Answer. Outside.

Question. Can you state in whose hands you saw them, and who was engaged in distributing them?

Answer. I do not think that is a fair question.

Question. Do you know where they came from, and what use they were for?

Answer. They were got for election purposes, I suppose.

Question. For whom? for persons who were legally entitled to them, or for those who were not?

Answer. No, sir, it was not for those who were legally entitled to them; if it had been for them they could have got their own papers, of course.

By Mr. WINSLOW:

Question. Do you know that they were got for fraudulent purposes?

Answer. I suppose they were.

By the CHAIRMAN:

Question. Where were those papers got?

Answer. In Philadelphia.

Question. In what place, or from whom?

Answer. They would have to be got out of some of the offices; they would not be got in any other way.

By Mr. TRAIN:

Question. If you know, will you state where those papers were obtained; from whom, and by whom?

Answer. I suppose the blanks were first obtained; it is the easiest to procure blank papers.

By Mr. ROBINSON:

Question. If you know all about it, just go on and state what you know about the matter; what offices these papers were got out of, and all you know on the subject.

Answer. I could not tell whose office they were got out of.

By the CHAIRMAN:

Question. Do you know how many there were of them—how many thousand? what is your knowledge on that point?

Answer. I guess there were five or six thousand, any how.

Question. Did you not distribute as many as five thousand, and run out, and have to make application for more blanks?

Answer. Yes, sir; I believe we did.

Question. What course did you take in getting the names of par-

ties to give these papers to when they were not legally entitled to them?

Answer. We generally canvassed the wards, the same as any party would do, to see that all the people were fixed for voting.

Question. Did you assist in that business?

Answer. Yes, sir; I did.

Question. You was one of the executive committee at the time?

Answer. Yes, sir.

Question. Did you, in doing so, ever undertake to ascertain what time the parties had been in the country, and whether it was necessary that they should be in the country any given time before being entitled to vote?

Answer. We knew it was necessary for them to be here five years before they could vote.

Question. In your operations was it necessary that they should be here any given time—a year, a month, or a week, or any time?

Answer. Yes, sir; we did not want to give everybody papers. Some people were entitled to papers, but could not get them at the time. They must procure their papers at least ten days previous to the election.

Question. Did you know any of these papers ever to be taken into court with the parties who got them, and to be sworn to?

Answer. Some, I suppose, have been, and others have not.

Question. Did you know of any persons getting these papers who had been but a very short time in the country?

Answer. I knew of some. I suppose there is plenty of the German vote given in the same way.

Question. In canvassing the city to get the names of parties to issue papers to did you give any attention to that subject, of how long they had been in the country?

Answer. We did not pay any attention to that particular point.

Question. Do you know any party who was engaged in filling up these papers?

Answer. No, sir, I do not; that was done privately, I think.

Question. Have you not been told by some other party that they did fill up such papers?

Answer. I was never told so by any one.

Question. By what vote did you carry Pennsylvania at that election?

Answer. We carried the State election by 2,200.

Question. From the number of papers that you distributed, if it had not been for them you would have lost the State?

Answer. That is beyond my knowledge. I guess there was just as much done on the other side.

Question. Did you know of any person being engaged in this business on the other side?

Answer. The Germans got all their papers in that way—all they could get.

Mr. TRAIN. I wish you to answer everything that you know, without reference to the party that these people belong to. I am just as

anxious to investigate these things among republicans as among democrats.

By the CHAIRMAN:

Question. Do you know any particular person who was engaged in that business on the republican side?

Answer. No, sir.

Question. Or any person on that side who got papers who was not entitled to them?

Answer. No, sir; I do not.

Question. Do you know anything about a large quantity of papers being sent out of the city to be used in the country?

Answer. I do not know anything of my own knowledge.

Question. Do you not know any party that told you that it had been done?

[Mr. WINSLOW objected to this question.]

Question. Do you know Edward Power?

Answer. Yes, sir.

Question. Did not Edward Power tell you that he helped to carry a trunk full of these papers to the railroad station for Colonel Baker to take up the road?

Answer. I do not think what he told me makes it so.

Question. You will please answer the question.

Answer. I have heard it said that he did.

Question. That is not what I asked you. Did he not tell you he helped to carry a trunk of these papers to the railroad station?

Answer. I did not see him with a trunk.

Question. That is not the inquiry. Did he not tell you he had helped to carry to the station a trunk of those papers?

Answer. He told me that he knew about the trunk.

Question. Did he not tell you that he had helped to carry the trunk to the railroad station? That is a plain question.

Answer, (after a pause.) I decline answering the question.

Question. Have you not had a conversation with some person in high position since you came here, in which conversation you were counselled not to answer that question?

Answer. No, sir.

Question. I will ask you again, did not Edward Power tell you that he had helped to carry a trunk full of these naturalization papers to the railroad station for Colonel Baker to take up the road?

Answer. I cannot answer that question.

Question. What is the reason?

Answer. I do not think it is a fair question—that is the reason. I will answer anything that is fair.

Question. Do you know Bill Mullin, or McMullen, who gave information with regard to some money in the hands of some republicans in Philadelphia?

Answer. I know a man by the name of William McMullin.

Question. Is he the person who gave that information?

Answer. He is the person who got the money, I believe.

Question. Have you confidence in Mr. McMullin's statements?

Answer. Yes, sir; I would take his word as quick as that of anybody else?

By Mr. WINSLOW:

Question. What money was this that you say he got?
Answer. It was money that a man by the name of Butler gave him in 1856 to influence people in favor of Frémont; and he gave the money to a man by the name of Reed.
Question. Who was this Butler?
Answer. He was a prominent man in his district.
Question. How much money was paid to him?
Answer. Somthing like twelve hundred dollars.

By the CHAIRMAN:

Question. Did you not say that you would not believe him on oath?
Answer. No, sir.
Question. Can you give the names of some of the persons that filled up these naturalization papers?
Answer. I do not know as I could; they were done privately.
Question. Do you not know of some persons selling these papers and getting one dollar apiece for them?
Answer. I have heard it said that such was the case.
Question. Do you not know of your own knowledge that this was done?
Answer. I never saw any sold and the money given for them myself.
Question. Do you not know of Mr. McDonough selling a large number of these papers and getting a good deal of money, with which he built a house afterwards?
Answer. No, sir.
Question. Did he not tell you so?
Answer. I never saw him sell any; and he never told me so, either.
Question. Did anybody else tell you that that was the case?
Answer. I have heard it spoken of.

By Mr. TRAIN:

Question. I understand you to say, Mr. Lafferty, that these papers were prepared in some private place. Do you not know where this was done?
Answer. No, sir.
Question. Were you ever present when they were being made?
Answer. No, sir.
Question. Had they any seal upon them?
Answer. Yes, sir.
Question. What seal was it?
Answer. The seal of some of the courts.
Question. What court?
Answer. We have three courts issuing these papers.
Question. Did they bear any seal purporting to be the seal of the court?
Answer. Yes, sir.

Question. Did you know where the seal was prepared and put upon these papers?

Answer. No, sir, I did not.

Question. Do you know the signature of the parties that these papers bore?

Answer. We have three courts issuing naturalization papers, as I told you; and I suppose there were the signatures of the officers of each one on some of them.

Question. You saw some of these papers. State whose names they bore.

Answer. All three of these courts issued papers, and they were distributed.

Question. I know that the courts issued genuine papers, but I am not asking you about them. Those that you saw were fraudulent papers, and I want to know whose names were forged?

Answer. The prothonotary's name, for one.

Question. What was his name?

Answer. Mr. Howell.

Question. Did you know that his name was not genuine where it appeared upon those papers?

Answer. From my knowledge I did not think it was.

Question. Now give the name of the clerk or other officer of the courts whose name appeared upon those papers?

Answer. I could not give the name of the clerk at present; I could to-morrow.

Question. You say, from your knowledge of the prothonotary's signature, you think these papers were fraudulent. Now, what leads you to believe that they were fraudulent?

Answer. From their not going before the court and the judges, and being sworn to.

Question. Do you know that they were not sworn to?

Answer. I know, of course, that a man could not go before the court and swear that he had been in this country five years when he had not.

Question. Do you mean to say that you gave papers to parties who subsequently used them in elections without ever going before the court to make the necessary proof?

Answer. I have given a few.

Question. Did I understand you to say that you yourself had distributed as many as five thousand?

Answer. No, sir; he asked me how many I had heard of being distributed.

Question. Well, how many did you distribute yourself?

Answer. Two or three thousand.

Question. Did you go out of Philadelphia to make distribution of them?

Answer. No, sir.

Question. If I understand you, the duty which you performed in reference to it was to go about the city and find out the names of individuals to be inserted in these papers?

Answer. That was almost everybody's duty who took part in the campaign.

Question. Did you do it?

Answer. I have done some of it.

Question. Where you found such parties, did you afterwards take naturalization papers to them?

Answer. I had them sent by some one.

Question. Was the labor of preparing these papers done in your committee-room?

Answer. No, sir.

Question. Where was it done?

Answer. We generally did it on the street; we got the papers and distributed them on the street.

Question. Did you put the seal on in the street?

Answer. No, sir; the seal was on when they were handed to us.

Question. And the signature was on, too?

Answer. Yes, sir.

Question. Do you know where the papers were prepared with seal and signature?

Answer. No, sir.

Question. Do you know who prepared them?

Answer. No, sir.

Question. Who gave them to you?

Answer. Different persons.

Question. Name one who gave you any of them?

Answer. I got some from a gentleman by the name of Walters.

Question. What was his Christian name?

Answer. Jacob.

Question. Is he in Philadelphia now?

Answer. Yes, sir.

Question. Where does he live?

Answer. In 20th street, between Lombard and Pine.

Question. What is his business?

Answer. He is in the employ of government.

Question. What is he?

Answer. He is in the custom-house.

Question. In what position?

Answer. As lieutenant of the night-watch.

Question. Was he at that time holding a position in the custom-house?

Answer. Yes, sir.

By Mr. WINSLOW:

Question. Do you mean to say that the seal on these papers was a forged seal?

Answer. That is more than I could say, sir.

Question. Did you ever see these naturalization papers with the seal of the court?

Answer. Yes, sir.

Question. Was there anything on them that led you to believe that the seal was forged?

Answer. No, sir.

Question. Do you mean to say that the signature of Mr. Howell, the prothonotary, was forged?

Answer. My knowledge of their being forged was this: the papers never went up before the judges of the court.

Question. I understand you to say that many of these papers never went up to the court?

Answer. Yes, sir.

Question. Now, I want to know whether Mr. Howell's and the clerk's names were forged, or whether they were their genuine signatures?

Answer. That I could not tell; I never saw any of them filled up.

Question. Did they differ from any other naturalization papers?

Answer. Not to my knowledge.

Question. Were these papers procured at the clerk's office in advance to give them to parties who had not actually sworn to them in court; is that what you mean by their being fraudulent?

Answer. That is the only fraudulent thing that I know of about them.

Question. You say that by your law they must be taken out ten days previous to the election, and these papers were, many of them, taken out in less than ten days previous to the election, in violation of law?

Answer. There were some of them taken out before and some after that time.

Question. I am speaking of some parties who were not able to get their papers, owing to this limitation, until after the legal time had expired, and it was necessary that they should have their papers in order to be able to vote; that is what you call fraudulent papers, is it?

Answer. Yes, sir.

Question. You do not mean to say that either the seal or the signature were forged, do you?

Answer. All that I mean to say is this, that some of the papers were given to men who had not been before the court and sworn to them. After you go to the office and get your papers, they have to be taken before the judge of the court and sworn to.

By Mr. ROBINSON:

Question. That is, the parties who are getting out papers have to go before the court and swear that they have been here five years?

Answer. Yes, sir; some of the clerks will take half a dozen of them up at a time.

Question. And they swear to their intention of becoming citizens?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You say that if they had been entitled to vote they could have got their papers in the regular way, without your furnishing them, and would have had to swear to them?

Answer. Yes, sir.

Question. And when you spoke of their being fraudulent papers you meant to allude to persons who had not actually gone before the court, in consequence of its being less than ten days before the election?

Answer. The law specifies that a voter shall have his papers ten days previous to the election in order to entitle him to vote. It does not make any difference if you get your papers out nine days before the election, and they are legal papers—you cannot vote with them.

Question. Did you not distribute them long before that to persons who were not entitled to them?

Answer. Yes, sir.

By Mr. ROBINSON:

Question. You did not know where these papers were procured—whether in the clerk's office or anywhere else?

Answer. No, sir.

By the CHAIRMAN:

Question. Do you not know of these papers all running out, and having to send to New England for more?

Answer. Not to my own knowledge.

Question. Do you not know some party that had to send to New England for them?

Answer. If I knew that I would know where the papers were filled up at.

[The chairman requested the witness to leave the committee room while the committee consulted. After some time the witness was recalled, and was informed that the committee had unanimously decided that he must answer the following question:]

Question. Did not Edward Power tell you that he helped to carry a trunk full of these naturalization papers to the railroad station for Colonel Baker to take up the road?

The WITNESS. I decline answering that question.

No. 46.

THURSDAY, *May* 31, 1860.

THOMAS McDONOUGH recalled.

By the CHAIRMAN:

Question. Do you know John Cummings, the naval storekeeper in Philadelphia?

Answer. Yes, sir.

Question. Does he do anything whatever at the navy yard?

Answer. All the requisitions for material that I have to use in my department I have to make to him, and he comes there and signs his name to the bills and requisitions. That is all the duty that he performs that I know.

Question. Do you know Charles Clement?

Answer. I do.

Question. Do you know that his name is on the pay-roll, and he receives pay as a clerk to the storekeeper?

Answer. That is the understanding we have in the yard; that he is second clerk in the naval storekeeper's office.

Question. Does he do anything there?

Answer. No, sir.

Question. Do you know whether he gets his pay himself, or who does get it?

Answer. The purser pays the men. I never saw him get it, but the presumption is that he does get it; he told me himself that he got it.

Question. Do you know Henry S. Crabbe—a clerk in the commandant's department?

Answer. Yes, sir.

Question. Do you know whether Mr. Crabbe gets any salary but one?

Answer. He performs the duty of clerk to the commandant—to Commodore Stewart; does all the correspondence of the office, and is immediately under the military control of the yard. Commodore Stewart has all to do with him.

Question. Do you know how much he gets as commandant's clerk?

Answer. I think it is $1,200 a year.

Question. Do you know of his getting the pay of one or two other clerkships?

Answer. There is another clerkship in the yard—it is the muster clerk of the yard, or the second clerk of the commandant. There is a son of his that is rated as the other clerk.

Question. Who gets the pay?

Answer. I do not know, sir; the purser could tell that. I do not see any of the clerks paid.

Question. Do you not know of Mr. Crabbe getting the pay of two or three clerkships?

Answer. I have heard it charged on him.

Question. Do you not know from the parties themselves that he gets the pay from three different clerkships?

Answer. Mr. Crabbe explained to me that his son was appointed by Commodore Stewart. These appointments are immediately under the military control of the yard; the civilians have nothing to do with them. Mr. Crabbe told me that he took the papers home at night, and his son assisted him.

Question. Do you know the names of persons being used to draw money out of the treasury while they render the government no service?

Answer. Well, this Clements is one. All I know about Mr. Crabbe's son is the explanation that Mr. Crabbe made to me.

Question. Do you not also know that the name of the nephew of Mr. Cummings is used while he does nothing there?

Answer. There was a person of the name of Cummings on the roll of the storekeeper's office, when Mr. Cummings was first appointed.

He was rated as second clerk under the storekeeper. Captain Engle told me that he gave an order to Mr. Cummings, the storekeeper, that if his nephew did not attend to the duties of his office he would dismiss him. His name then disappeared from the roll; he was discharged from the storekeeper's office, and Mr. Clement was appointed in his place; but neither Clement nor Cummings ever attended to any duty as second clerk, to my knowledge.

Question. Did you not give testimony before the naval investigating board of a great many abuses that you have not mentioned here?

Answer. Yes, sir; I answered the questions that the naval board put to me, and the military authority of the yard have full power to correct the abuses to which that investigation related. The testimony is in print.

Mr. ROBINSON. If it is in any book then we can use it.

The WITNESS. It was never sworn to at all, and there is a great deal of it that the naval board themselves say is wrong.

By the CHAIRMAN:

Question. Go on, and make a statement about it, and state what testimony you gave there which it is proper for this committee to have; give us your knowledge of those abuses in as condensed a form as you can.

Mr. WINSLOW. I object to that question.

The CHAIRMAN. Then, I will not press it.

No. 74.

FRIDAY, *June* 1, 1860.

PATRICK LAFFERTY recalled.

By the CHAIRMAN:

Question. Mr. Lafferty, you declined answering a question put to you by the committee yesterday, and I will now ask it in a different form. What did Edward Power tell you about those naturalization papers?

Answer. In a conversation with Mr. Power, some two years ago, we got to talking about fraudulent naturalization papers——

Question. Where did that conversation occur?

Answer. In Chestnut street, between 5th and 6th.

By Mr. TRAIN:

Question. Were there any others present, besides you and Mr. Power?

Answer. No, sir.

By the CHAIRMAN:

Question. Well, what did he say to you?

Answer. He remarked to me about Col. Baker's carrying a trunk full of papers up the State road.

Question. Did he say he knew it?

Answer. Yes, sir, he said he knew it. That remark was the first that I ever heard about the trunk full of papers.

By Mr. TRAIN:

Question. How did he know it; did he tell you?

Answer. I did not ask him; I am just giving the conversation; I did not ask him anything about it.

Question. Then, if I understand you, all that he said was that he knew Col. Baker carried a trunk full of these fraudulent naturalization papers up the road?

Answer. Yes, sir.

Question. Did he not tell you how he knew it?

Answer. No, sir, he did not.

Question. Did he tell you what else he knew about the trunk?

Answer. No, sir.

Question. Did he tell you anything about his having carried it?

Answer. No, sir.

Question. What began this conversation?

Answer. I do not know exactly what began it. He was an applicant to Colonel Baker, and got disappointed. I do not know what drew Colonel Baker's name into the conversation.

By Mr. WINSLOW:

Question. An applicant for what?

Answer. For a position under Colonel Baker.

Question. In the custom-house?

Answer. Yes, sir.

Question. Did he succeed?

Answer. No, sir.

By the CHAIRMAN:

Question. Do you know John G. Ringland?

Answer. Yes, sir.

Question. Do you know whether he was a clerk in Mr. Plitt's office, or connected with Mr. Plitt's office?

Answer. I do not know that he was; he was under government.

Question. In what position?

Answer. He was in the custom-house.

Question. Did you know anything about his using any person's name in filling up papers?

Answer. No, sir.

Question. Do you know Reuben Brown?

Answer. I know him when I see him; I have very slight acquaintance with him.

Question. What position is he occupying; what is his business?

Answer. He is deputy naval officer, I think, under Mr. McKibben.

Question. Did you know anything about his taking papers up to Reading?

Answer. No, sir; I did not.

Question. Do you know Frank McGuire?

Answer. Yes, sir.

Question. What is his position?

Answer. I think he held a position in 1856; I will not be certain.
Question. Has he held one since under government?
Answer. Not to my own knowledge.
Question. Do you know what position John Zeigler of Iowa held?
Answer. We had a Zeigler there in Philadelphi, John Zeigler.
Question. Was it John Zeigler, route agent on the mail?
Answer. Yes, sir.

No. 88.

MONDAY, *June* 4, 1860.

CHARLES W. CLEMENT called and examined.

By the CHAIRMAN:

Question. Where do you reside, Mr. Clement?
Answer. In Tenth street, above Spruce, Phiiadelphia.
Question. What business are you engaged in?
Answer. In brick-laying.
Question. Did you get an appointment as assistant clerk to the naval storekeeper?
Answer. I did, sir.
Question. How came you to get that appointment; were you an applicant for that place?
Answer. No, sir.
Question. Do you know why you came to get the place?
Answer. No sir, I do not, unless it was through good feeling and friendship.
Question. Upon the part of whom?
Answer. On the part of Mr. Cummings, the storekeeper.
Question. Had you been long acquainted with him?
Answer. Only since he was in the yard.
Question. Are you acquainted with business of that kind—with bookkeeping?
Answer. Not much.
The CHAIRMAN. Give me a specimen of your handwriting.
[The witness did so.]
Question. Did you fill the duties of that office?
Answer. I filled all the duties that were put before me to fill; I was down there regularly.
Question. You was at work laying brick?
Answer. Yes, sir; I had a number of contracts for materials, and some brick work, not much.
Question. Were you down there attending to that business, or the clerkship?
Answer. I was down there for the clerkship and any services which might be wanted.
Question. Did you go there to sign your pay-rolls?
Answer. I signed them while I was there; I did not go there for that purpose.

Question. When you signed them, did they hand you over any money at the time you signed them?

Answer. No, sir.

Question. Did you ever get any pay until after this committee was appointed, and there came to be a stir about it?

Answer. I do not know exactly what time the committee was appointed.

Question. It was the 5th of March; did you get any pay before that time?

Answer. I cannot say whether I got the first payment before that time or after it.

Question. Do you know anything about Mr. Cummings's nephew being clerk there?

Answer. No, sir.

Question. Were you in the office enough to know who were the clerks there?

Answer. No sir; at any rate, I did not know who he was.

Question. Do you know of one of the editors of the Argus being a clerk there?

The WITNESS. What is his name?

The CHAIRMAN. I do not remember the name now.

By Mr. WINSLOW:

Question (showing witness the paper he had written.) Is that the specimen of your handwriting which you wrote for the chairman of the committee?

Answer. Yes, sir.

Question. Can you spell "crucifix"?

Answer. I do not know; I have not spelled it very lately.

Mr. WINSLOW. Try it.

The WITNESS. My memory is poor, and it is a long time since I went to school. I do not suppose I could spell it.

Mr. WINSLOW. Well, just try it—"crucifix." I will help you; the first letter is "*c*."

The WITNESS. Of course. Let me see—*c-r-o*—(pausing)——

Mr. WINSLOW. Go on.

The WITNESS (continuing)—*u-c-f-i-x*. I do not suppose I have spelled it for thirty years before.

Mr. WINSLOW. That is doing pretty well.

No. 100.

SATURDAY, *June* 9, 1860.

CHARLES BROWN called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In the city of Philadelphia.

Question. Were you collector of customs there in 1856?

Answer. Yes, sir; from 1853 to 1857.

Question. Were you aware of Mr. Westcott's absence from his official duties during the months from June to November, 1856?

Answer. Not particularly; he was not under my immediate control, but in an independent branch; he was an appraiser, and an appraiser is an independent branch, not connected with the collector's department.

Question. What was the position Mr. Westcott held at that time?

Answer. One of the local appraisers for the port of Philadelphia; there were two of them; Mr. P. Barry Hays was one of them, and Mr. Westcott was the other.

Question. Had you any advice or knowledge that he was absent from his duties during that period, or the most part of the time?

Answer. No, sir; I have no recollection of the fact; my impression is that he was absent, but I have no knowledge of the time or the circumstances.

Question. Did you not know that he was acting as secretary, or something of the kind, of the State democratic organization during that time?

Answer. Yes, sir; I know that he was secretary to the State executive committee; but, as it sat in Philadelphia, he might have performed his duties as appraiser. I had no knowledge of what I was called here for, or I could have refreshed my recollection by reference to my papers.

Question. Do you know of Mr. Westcott's receiving pay during that time?

Answer. No, sir; I know nothing of it at all; I might say that I have now no recollection of any particulars about these matters, and cannot have unless by reference to the books and accounts.

Question. Of course you would not know anything about his signing vouchers for his pay during that time?

Answer. No, sir.

Question. Had those vouchers to pass through your hands?

Answer. No, sir.

Question. Did you know of his being released from duty during that canvass for a period?

Answer. No, sir; he would not come to me for that; he would apply to the Secretary of the Treasury for that; I have no knowledge of that matter.

Question. Do you know of any advances being made to him during

that time from the department that were not in accordance with the customs of the office?

Answer. No, sir, I do not, and should think that no such thing could have taken place.

Question. As collector of the port of Philadelphia, was it not your duty to control and regulate the appraisers' department?

Answer. Under Secretary Guthrie's administration it was placed considerably under my control, but by law it is not; it is an independent branch; but the collector has nothing to do with the appointments in that department—no control over them; it is a branch entirely independent of the collector.

Question. Did you ever hear or know of any arrangement between Mr. Westcott and Colonel Patterson as regards any benefit the former would derive from the renting of Mr. Patterson's store to the government.

Answer. No, sir; I can answer very clearly that I never did, and do not for a moment suppose that there was anything of the kind.

Question. In causing the removal of the appraisers' store from Walnut street to Front and Lombard streets, were you not aware that Mr. Godley offered the store in Walnut street at reduced rates, and to make the store fire-proof, according to law?

Answer. No, sir; but the contrary was the fact; I had the control of that matter, and was very anxious to continue the appraisers' store in Mr. Godley's building. But it became the policy of Mr. Guthrie, in which I coincided entirely, to establish private bonded warehouses. When I first took possession there I found the whole business in utter confusion. The bonded warehouses were nearly all in merchant's own stores; some in garrets, some in rooms, partly partitioned off by pale fences, small portions of a floor being fenced off in that way; and upon making an examination I did not find all the goods that were called for in those warehouses. Some of the first merchants in Philadelphia had surreptitiously taken goods out of these warehouses, or stopped them before they got in, and paid no duties. I immediately reported the facts to the department and steps were taken to change the system. The next step proposed to me was that we should try to get a warehouse in which to place the bonded goods; I went to Mr. Godley, who had the stores rented then by the government. Those stores were an immense expense to the government, which was losing thousands of dollars yearly by them; I went to Mr. Godley and requested and urged him to have his store made a private bonded warehouse. He declined, refused to do it. I then told him that we would be obliged to look elsewhere, for it had become the policy of the government to try to get rid of the expense of these stores; Colonel Patterson had put up a number of fine stores on Front street near the wharf, near the centre of the commerce of the port. I then proposed to him that if he would purchase a lot, which he had before declined on account of the extravagant price asked for it, and put up a store there, and fit it for a private bonded warehouse, we would make arrangements to take it. After some negotiations he agreed to do it. He bought the lot and put up a store and offered to rent it to the government for ten years; but Mr. Guthrie said that under the law he could

not rent it for ten years, but he would rent it for three years, with the privilege of retaining it at the termination of that period. It was so arranged and so agreed upon, with entire and exclusive reference to the public good, and with no particular connexion with any individual whatever.

Question. How much did you pay Colonel Patterson for one store used as the appraisers' office?

Answer. I cannot tell you now, for I do not remember; if I had known of this in time I could have ascertained all the facts and dates; everything of that sort, however, is a matter of record.

Question. Was it not $9,000?

Answer. I think it was something like $9,000 a year.

Question. Do you know the whole value of that property?

Answer. Yes, sir; I think I was pretty well acquainted with the value of it.

Question. How much was its value?

Answer. I do not remember now.

Question. Do you not know that that property was valued at $18,500?

Answer. Do you mean the appraisers' store?

Question. I mean this store which the government paid $9,000 a year rent for; do you not know that it was appraised at $18,500?

Answer. No, sir; I have no knowledge what it was appraised at; but I do not think it was that sum.

Question. Do you know the cost of the building?

Answer. No, sir, I do not; it was a very costly building, some four or five stories high; I do not remember the width of it; Colonel Patterson put in a steam engine and a hoisting apparatus; and the $9,000 not only covered the rent, but the steam engine, hoisting apparatus, and the lighting the store.

Question. Did you not pay, besides the $9,000, for lighting the store.

Answer. No, sir; but I think we paid extra for heating it. Colonel Patterson went to several thousand dollars expense in putting in an additional boiler, with pipes from the steam engine for heating the rooms in the store.

No. 101.

SATURDAY, *June* 9, 1860.

WILLIAM C. PATTERSON called and examined.

By Mr. TRAIN:

Question. Where do you reside, sir?

Answer. In Philadelphia.

Question. Do you hold any office under the administration?

Answer. None, sir.

Question. Does the government rent of you any building for a warehouse?

Answer. The government rents a large building, occupied by the appraisers and other officers.

Question. Where is that building?

Answer. On Lombard street, extending from Front to Penn.

Question. When was that building erected?

Answer. In 1855, sir.

Question. When did you rent it to the government?

Answer. In that year, sir.

Question. Through Mr. Charles Brown?

Answer. Yes, sir, through Mr. Brown to Mr. Guthrie, Secretary of the Treasury.

Question. What was the cost of that building?

Answer Between sixty and seventy thousand dollars, for the building and ground.

Question. Is it fire-proof?

Answer. Yes, sir; I believe so.

Question. What does the government pay you for it?

Answer. Nine thousand dollars a year for the building and the use of the hoisting apparatus, and the services of the engineer and assistant engineer on that apparatus, which is in use on that building and the adjoining warehouse, which is not rented to the government.

Question. Is nine thousand dollars the extent of the income which you derive from the government, or do you receive other moneys?

Answer. I have no other transaction of any kind with the government.

Question. I do not know but I misunderstand you; do you mean to say that you receive that for the building alone, or does that include the other?

Answer. That is simply for the building; but the motive power for the hoisting apparatus is a steam engine, and that is furnished by the owner of the building, and the engineer and his assistant are paid by the owner of the building. Nine thousand dollars is the outside price, which covers the rent and the operation of the engine.

Question. Who pays the taxes on it?

Answer. I do, sir.

Question. What do they amount to?

Answer. I think upon that building the taxes and water rent are about five or six hundred dollars. I cannot speak with accuracy about that, because I pay them in connexion with the adjoining building.

Question Do you know what the valuation of that property is?

Answer. Yes, sir; I think our valuation is twenty thousand dollars. I ought to say, for the purpose of making it intelligible to people who live out of Pennsylvania, that the valuations of property in that State are very far below their actual value. The actual cash cost to me was over sixty thousand dollars; the ground alone cost twenty-five thousand dollars. Perhaps I ought to add that I did not seek this contract; the application came to me from an officer of the government.

By Mr. WINSLOW:

Question. Did you consider the rent an unfair one?

Answer. I did not, sir; I refused Mr. Guthrie's offer at first; my original price was ten thousand dollars, and Mr. Guthrie offered nine thousand. I refused to put up a building to be rented for that amount; but Mr. Guthrie wished to establish a system of private bonded warehouses, and in order to do that he thought this building was necessary, for the accommodations were not very good elsewhere. The warehouses were scattered; and it was a less rent, I believe, than the government was then paying. I agreed to his terms, but I certainly would not erect such a building for the same rent again.

No. 102.

SATURDAY, *June* 9, 1860.

ANDREW M. SALLADE called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside in Reading, Berks county, Pennsylvania.

Question. Did you reside there in 1856?

Answer. Yes, sir.

Question. What knowledge have you of fraudulent naturalization papers being sent up there, during that summer or fall, from Philadelphia?

Answer. Some time during the fall prior to the election—I cannot now state whether it was prior to the State or presidential election, but it was very shortly before one of those elections—I was present at a meeting held in Reading——-

Question. What kind of meeting?

Answer. It was a democratic meeting.

Question. Well, go on with your statement.

Answer. Some gentleman came to me at the meeting, who had evidently been hunting for me, and he asked me if I had any objection—I am not certain whether he did not ask me to give him the key of my office, and he asked me if I had any objection to allow my back office to be used for a short time. I wanted to know what for; and this person told me that they had some naturalization papers that they wanted to fix up. I said, "Sir, my office cannot be used for any such purpose; it must not be done, either at my office or anywhere else." I think I also said that I hoped we should be strong enough to carry the election honestly; and if we could not, no such means should be resorted to, with my consent; and I advised the party, as he valued his reputation and his liberty, not to attempt anything of the sort. I do not now recollect what he said; but he left me, and that is all that I heard of it.

Question. What did parties say to you as to where these papers were to be used?

Answer. There was more said than I have detailed here, but it is impossible for me at this time to tell every thing that was said. If you should put the question directly to me, perhaps I could remember better—that is, if you have other information what the conversation was.

Question. Was there anything said about these papers being procured for the Irish who were at work on the Union canal?

Answer. There was something said about the Irish, who were then at work, if I mistake not, enlarging the Union canal.

Question. Go on and state all you remember about that.

Answer. When the remark was made about the Irish, I at once put my foot down upon this thing; and I must say, in justice to this man who spoke to me about it, that when he found I talked in this way, he said he agreed with me, and it would be better not to do it. I do not know whether I did not say that the offence was a very serious one for any person to engage in. That is the substance of what I know about these things, for I was never spoken to again upon the subject after that night, that I remember of, although there was a good deal said about it.

By Mr. TRAIN:

Question. Did you ever see any of these papers?

Answer. I never saw one of them; I never desired to see them.

No. 105.

SATURDAY, *June* 9, 1860.

P. BARRY HAYES called and sworn.

By the CHAIRMAN:

Question. What is your occupation at the present time?

Answer. I am at present chief clerk of the House of Representatives.

Question. Were you an appraiser in the custom-house at Philadelphia in 1856?

Answer. Yes, sir; I was there from 1853 to 1857.

Question. Was Mr. Gideon G. Westcott an appraiser during the same period?

Answer. He was my colleague and an appraiser of the port of Philadelphia during that period.

Question. Was he absent from duties during the year 1856, or any portion of it?

Answer. He was absent from the office from the beginning of the month of June until the beginning of the month of November, 1856.

Question. Do you know in what he was engaged during his absence from the office?

Answer. He was employed at the democratic committee in Walnut street below Fifth street—something of that kind.

Question. Were the officials in the custom-house obliged to swear to their monthly receipts to draw their pay?

Answer. Yes, sir; before they can draw their salaries there is a regular form of oath prescribed by law; I have a copy of the form in my pocket, if you desire to have it.

By Mr. TRAIN:

Question. Will you let the committee have it?

Answer. Here is the form of the oath; before we received our pay we were obliged to fill this up and swear to it before a notary public or alderman.

[The following is the blank form.]

[*Name of the naval officer or collector,*] *naval officer of the customs for the district of Philadelphia, To* *Dr.*

For my services as ————————, at the rate of $——
per annum..... $——

Received from ———— ————, naval officer [or collector] of the customs for the district of Philadelphia, on the —— day of ————, 185 , the sum of ———— dollars, being in full of my compensation for the period above stated.

I, —— ————, naval officer [or collector] for the district of Philadelphia, do hereby certify on —— that I have performed the services stated in the above account; that I have received the full sum therein charged, to my own use and benefit, and that I have not paid, deposited, or assigned, nor contracted to pay, deposit, or assign, any part of such compensation, to the use of any other person; nor in any way, directly or indirectly, paid, or given, nor contracted to pay or give, any reward or compensation for my office or employment, or the emoluments thereof

———— and subscribed before me, this —— day of ————, ————.

By the CHAIRMAN:

Question. Do you know anything relative to the value of the property owned by Colonel Patterson, used for the appraisers' store, and fronting on Lombard and Front streets?

Answer. Yes, sir; that property is assessed in the county commissioner's office for the sum of $18,540.

Question. What rent does the government pay for it?

Answer. The rent paid by the government when I was in office—and I suppose it is the same now—was $9,000 a year, and $800 a year additional for heating.

Question. Do you consider that an enormous rent?

Answer. I think it is a very high rent.

By Mr. WINSLOW:

Question. Do you consider it an enormous rent? That is the question.

Answer. Well, yes, I do.

No. 107.

ALBERT R. SCHOFIELD called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside at No. 1515 Stiles street, twentieth ward, Philadelphia.

Question. Were you employed in the custom-house in Philadelphia in the year 1856 or 1858, or both?

Answer. I received a letter bearing date June 23, 1857, informing me that I had been appointed an inspector of customs, and desiring to see me on Tuesday, the 30th of June, 1857.

Question. From whom was that letter?

Answer. From J. B. Baker, collector. I went there on the day named, was examined and sworn in, and went on duty on the following day.

Question. Where were you engaged in 1856?

Answer. From the 18th of July to the 6th of November I was with Colonel J. W. Forney in the democratic State central committee room, No. 140½ Walnut street.

Question. Do you know of any person taking into the interior of Pennsylvania a large number of naturalization papers?

Answer. I do not.

Question. Have you not stated within a few weeks to some person that you did know that?

Answer. In a conversation with Mr. Yearsley I was repeating what I had often heard upon the streets, common rumor.

Question. Did you not tell him that you knew of eleven hundred of these papers being taken at one time into the interior of the State?

Answer. I said that I had heard that Mr Baker had taken eleven hundred up.

Question. Have you not had a conversation with Marshal Yost about the subject within a few weeks?

Answer. I have heard the subject spoken of in the marshal's office; there is where I first received the information in regard to it.

Question. What did the marshal request of you during that conversation relative to these papers; what did he say to you?

Answer. The marshal said to me that I must be careful about my testimony. I told him that I certainly should be careful; that I would not testify anything but what I know.

Question. Did he not advise you how to give your testimony?

Answer. No, sir; he never did; never.

Question. How came you to have that interview with Marshal Yost. Did you go to him, or did he come to you?

Answer. We were sitting in the marshal's office talking about these things. The conversation was predicated upon some statements of Mr. Lafferty, published in the "Press."

Question. Did Marshal Yost know that you were subpœnaed to come here?

Answer. I do not know that he did.

Question. How long has it been since you were first subpœnaed to come here?

Answer. I was subpœnaed by Mr. Wells on the 23d of May.

Question. Was that the first time?

Answer. Yes, sir; and I had then gone on the United States jury for the eastern district of Pennsylvania on the 21st of May.

Question. Who told you that these papers were taken up into the country?

Answer. I heard Colonel William B. Rankin speak of them.

Question. Where is Mr. Rankin now?

Answer. The last I heard of him he was in New York making a speech at a Sam Houston meeting there.

Question. What means had Mr. Rankin of knowing about these papers?

Answer. I do not know; he was president of the Keystone club, and pretty active in the campaign.

Question. Have you had any interview with Mr. Rankin since the organization of this committee relative to this subject?

Answer. No, sir; it has been two years since I heard Mr. Rankin speak of it.

Question. Do you know Reuben Brown?

Answer. I do.

Question. Do you know of his being subpœnaed before this committee?

Answer. I saw his name upon the subpœna that Mr. Bassett had, the third gentleman who called upon me. There were three who called upon me; the first was Mr. Wells, the second Mr. Freeman, and the third Mr. Bassett.

Question. Do you know why Mr. Brown has not come here?

Answer. I do not. I never spoke to him upon the subject.

Question. Do you not know that Mr. Brown was connected with these naturalization papers?

Answer. I have no knowledge of that fact.

Question. Did you not know of his taking a large quantity of them up to Reading?

Answer. I have heard that he took them up, but I have no knowledge of the fact myself.

Question. Who told you that he took them up there?

Answer. I have no recollection of any one ever telling me; I am satisfied that no one ever did.

Question. Then did you hear some one tell others in your hearing?

Answer. I heard a gentleman say that he received a letter requesting him to send some money on, or he would expose him for sending up papers?

Question. From whom was that letter?

Answer. From some person up in Berk's county.

Question. How much did he demand to avoid exposure?

Answer. I think it was $100.

Question. Do you know whether he paid that money?

Answer. That I do not know.

Question. Are you not at the present time a candidate for the legislature in the State of Pennsylvania?

Answer. I am a candidate for nomination in my district.

Question. Have you not been cautioned not to give the information you possess as it would damage you in the canvass?

Answer. No, sir; I am independent of anything of that kind.

Question. Can you not tell us something more with regard to what Marshal Yost said in that interview that it would be proper for us to know?

Answer. No, sir.

Question. Try and refresh your memory?

Answer. My memory is perfectly fresh in regard to it now.

Question. Can you not tell of some particular point he made in regard to it?

Answer. Not at all; Marshal Yost is a high-toned gentleman, who would not ask me to do anything wrong.

Question. What was the remark he made to you about your testimony?

Answer. He said I should be cautious in regard to giving testimony; I told him that I should, and should testify to nothing but what I knew and what was true.

Question. Do you know how many of these papers were made use of that year in Pennsylvania?

Answer. I do not.

Question. Have you not stated to persons that you knew of a certain number?

Answer. I have heard of a great number of them being printed and used.

No. 108.

MONDAY, *June* 11, 1860.

GIDEON G. WESTCOTT called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. My family reside in Philadelphia.

Question. What is your occupation?

Answer. I am a merchant.

Question. Were you an appraiser in the custom-house at Philadelphia during the time from 1853 to 1857?

Answer. I was an appraiser during General Pierce's term, which, I believe, extended over that period.

Question. Were you the postmaster of Philadelphia after that time?

Answer. Yes, sir.

Question. During the time you were appraiser were you absent from your official duties from June to November, 1856?

Answer. I asked leave of absence from the department, which was

the only leave of absence I had during the term of my office as appraiser, and I think that in July it was granted me. During all the period of my leave of absence I was in Philadelphia, and reported myself daily to the collector.

Question. Who obtained the authority for your leave of absence?

Answer. I did, myself.

Question. Did not Senator Bigler aid you in getting it?

Answer. No, sir, I think not.

Question. Or Mr. Brown, the collector?

Answer. No, sir, I think not. I have no recollection of anybody aiding me. I made the application myself, and the leave was granted.

Question. What was your occupation during the time of your absence?

Answer. I was serving upon the State Democratic Central Committee during part of the day.

Question. Did you receive your regular salary during that period?

Answer. Yes, sir. I do not think it was more than three months that I was absent.

Question. How and from whom did you receive it?

Answer. It was paid at the custom-house.

Question. In the regular way?

Answer. Yes, sir.

Question. Was it by signing the regular receipt?

Answer. The regular form that is always signed; yes, sir.

Question. Was this done with the knowledge and consent of Mr. Brown, the collector?

Answer. Well, Mr. Brown certainly had the knowledge that I had leave of absence, because he knew that I was prepared at all times, in case of any press of business, to come there.

Question. Did he know that you were not rendering any services in the custom-house during that time?

Answer. That I cannot say. I took it for granted that he knew it, because I saw Mr. Brown every day. He was in the State Central Committee room himself, more or less, every day.

Question. Who was the officer that paid you?

Answer. I disremember who was the pay-clerk or cashier during all that period. Perhaps it was Mr. Harbeson; I cannot say. Mr. Shunk, I think, was pay-clerk part of that period, but I am not certain.

Question. Who is it that grants the leave of absence?

Answer. The Secretary of the Treasury.

Question. You had written to the Secretary of the Treasury?

Answer. Certainly; had made a formal application to him for leave of absence.

Question. And had got the leave from him?

Answer. Yes, sir.

By Mr. ROBINSON:

Question. What ground or reason did you allege for the leave of absence?

Answer. Nothing, except that I had had none, and desired it.

Question. You did not state to him what you wanted to do?
Answer. Certainly not.

By Mr. OLIN:

Question. You wrote a letter to the Secretary of the Treasury, requesting leave of absence?
Answer. Yes, sir; and that was the only leave of absence during my term of office?
Question. Did you send it to him by mail?
Answer. Yes, sir; I think so. I have his answer to it; I saw it not long ago among my papers.
Question. So far as your knowledge extends, the Secretary of the Treasury did not know the occasion of your absence?
Answer. No, sir; I think not.
Question. Is it customary to give leave of absence without any reason for it?
Answer. My leave of absence was for a month, at first, and then renewed.
Question. And neither at the time of renewal nor at any other time did you communicate to the department the occasion of your leave of absence?
Answer. No, sir.

By the CHAIRMAN:

Question. What salary did you get?
Answer. $2,500 a year.
Question. Were you not qualified or sworn to make a return once a month that you had rendered service?
Answer. Once in three months, I think. I considered myself on service all the time, for I reported myself every day to the collector.
Question. Did you do anything in the office during that whole time?
Answer. I was in the office.
Question. Did you ever do anything in the office during all that time?
Answer. I am certain I did some service, and was ready at all times to perform service, if there had been any to perform. It was a dull season of the year, and there was too large a force there at any rate.
Question. By that, then, it would appear that there was no need of a person to fill your office?
Answer. There is but one appraiser now. I think there are a great many too many officers there, and always have thought so.

By Mr. OLIN:

Question. You say that you considered yourself on service?
Answer. Yes, sir; I considered myself ready for service, if there was any occasion for it.
Question. What did you ask for leave of absence for, then?
Answer. It was because——
Question. Because you knew you would not do any service?

Answer. No, sir; but that my colleague should understand that he must be promptly on hand.

Question. It was, then, that you should not be obliged to attend there? You did not consider yourself on service during your leave of absence, did you?

Answer. I considered myself ready for service.

Question. Why did you ask for leave of absence? To be absent, was it not, and not be under obligation to be there on duty?

Answer. I asked for leave of absence and obtained it.

Question. And while absent you did not consider yourself employed in the custom-house, did you?

Answer. I have stated what is strictly true, that during all that period I was always ready for service when there was a press of business.

Question. But the collector had no right to call upon you during your leave of absence?

Answer. He knew I was ready for business at any moment.

Question. You communicated to him that you had leave of absence?

Answer. Yes, sir.

By Mr. ROBINSON

Question. And if he had called upon you for service, you could have refused: that is, you had the right to refuse?

Answer. Yes, sir.

By the CHAIRMAN:

Question. What was the occasion or necessity of reporting yourself at the office every day if you had leave of absence?

Answer. Well, I was in the city, and reported myself.

APPENDIX.

TREASURY DEPARTMENT, *March* 24, 1860.

SIR: I have received your letter of the 23d instant, requesting to be informed whether "George W. Baker is now employed at the custom-house at Philadelphia; and if so, for what length of time, in what capacity, and at what compensation." In reply, I have to state that it appears, by records of this department, that George W. Baker was appointed a clerk to discharge the duties of assistant cashier, at a salary of $1,200 per annum, on the 15th November, 1858, vice John Goodyear, promoted, and that he has continued to, and does now, occupy that position at the same rate of salary.

I have the honor to be, very respectfully,

HOWELL COBB,
Secretary of the Treasury.

Hon. JOHN COVODE,
Chairman of Select Committee,
House of Representatives.

TREASURY DEPARTMENT, *April* 14, 1860.

SIR: As requested in your letter of the 14th instant, I have the honor to transmit, herewith, for the information of your committee, copies of the nomination of George W. Baker, as clerk in the Philadelphia custom-house, and of the approval of the appointment by the department, and of the oaths and receipts for his salary from the date of his appointment to the 31st ultimo.

I am, very respectfully,

HOWELL COBB,
Secretary of the Treasury.

Hon. JOHN COVODE,
Chairman Special Committee,
House of Representatives.

CUSTOM-HOUSE, PHILADELPHIA, *November* 11, 1858.

SIR: I beg leave respectfully to submit for your approval the nomination of G. W. Baker to be my assistant cashier, vice John Goodyear, promoted in March last, to take effect from the 15th instant.

Very respectfully, your obedient servant,

J. B. BAKER, *Collector.*

Hon. HOWELL COBB,
Secretary of the Treasury.

TREASURY DEPARTMENT, *November* 15, 1858.

SIR: The nomination, submitted in your letter of the 11th instant, of G. W. Baker as clerk No. 5, at a salary of $1,200 per annum, in the place of George Goodyear, promoted, is approved.

I am, very respectfully,

HOWELL COBB,
Secretary of the Treasury.

J. B. BAKER, Esq.,
Collector of Customs, Philadelphia, Pa.

Joseph B. Baker, Esq., collector of customs for the district of Philadelphia, to George W. Baker.

DR.

For my services as clerk from November 15, 1858, to November 30, inclusive, at the rate of $1,200 per annum..... $53 26

Received from Joseph B. Baker, collector of the customs for the district of Philadelphia, on the 30th day of November, 1858, the sum of fifty-three dollars and twenty-six cents, being in full of my compensation for the period above stated.

G. W. BAKER.

I, George W. Baker, clerk in the office of the collector of the customs for the district of Philadelphia, do hereby certify on —— that I have performed my services stated in the above account; that I have received the full sum therein charged to my own use and benefit, and that I have not paid, deposited, or assigned, nor contracted to pay, deposit, or assign any part of such compensation to the use of any other person, nor in any way, directly or indirectly, paid or given, nor contracted to pay or give, any reward or compensation for my office or employment, or the emoluments thereof.

G. W. BAKER.

Sworn and subscribed before me, this 30th day of November, 1858.

HUGH CLARK,
Alderman.

Joseph B. Baker, Esq., collector of the customs for the district of Philadelphia, to George W. Baker.

DR.

For my services as clerk in the collector's office from December 1, 1858, to December 31, inclusive, at the rate of $1,200 per annum..... $100

Received from Joseph B. Baker, collector of the customs for the district of Philadelphia, on the 31st day of December, 1858, the sum of one hundred dollars, being in full of my compensation for the period above stated.

G. W. BAKER.

I, George W. Baker, clerk in the office of the collector of the customs for the district of Philadelphia, do hereby certify on oath that I have performed my services stated in the above account; that I have received the full sum therein charged to my own use and benefit, and that I have not paid, deposited, or assigned, nor contracted to pay, deposit, or assign any part of such compensation to the use of any other person; nor in any way, directly or indirectly, paid or given, nor contracted to pay or give, any reward or compensation for my office or employment, or the emoluments thereof.

G. W. BAKER.

Sworn and subscribed before me, this 31st day of December, 1858,
HUGH CLARK.
Alderman.

The same, for $100, for month ending January 31, 1859; sworn to and subscribed before Hugh Clark, alderman.

The same, for $100, for month ending February 28, 1859; sworn to and subscribed before Joseph Enen, recorder.

The same, for $100, for month ending March 31, 1859; sworn to and subscribed before Joseph Enen, recorder.

The same, for $100, for month ending April 30, 1859; sworn to and subscribed before Joseph Enen, recorder.

The same, for $100, for month ending May 31, 1859; sworn to and subscribed before Joseph Enen, recorder.

The same, for $100, for month ending June 30, 1859; sworn to and subscribed before Joseph Enen, recorder.

The same, for $100, for month ending July 31, 1859; sworn to and subscribed before Joseph Enen, recorder.

The same, for $100, for month ending August 31, 1859; sworn to and subscribed before Joseph Enen, recorder.

The same, for $100, for month ending September, 1859; sworn to and subscribed before Joseph Enen, recorder.

The same, for $300, for quarter ending December 31, 1859; sworn to and subscribed before Charles F. Helfricht, alderman.

The same, for $300, for quarter ending March 31, 1860; sworn to and subscribed before Joseph Enen, recorder.

TREASURY DEPARTMENT, *June* 12, 1860.

SIR: In compliance with your request of the 11th instant, I herewith transmit copies of the correspondence between James C. Van Dyke, esq., and the Commissioner of Customs.

Very respectfully, your obedient servant,

HOWELL COBB,
Secretary of the Treasury.

Hon. JOHN COVODE,
Chairman, &c., House of Representatives, United States.

TREASURY DEPARTMENT,
Office of Commissioner of Customs, June 12, 1860.

SIR: In compliance with your request of this morning, I have the honor to herewith enclose to you copies of two letters, dated the 15th and 27th of February, 1860, from James C. Van Dyke, esq., addressed to this office, and also copies of replies thereto of the dates of 27th and 29th of February, 1860, which embraces, I believe, all the correspondence of Mr. Van Dyke with this office in relation to the employment of George W. Baker and others in the custom-house at Philadelphia.

Very respectfully, your obedient servant,

SAMUEL INGHAM,
Commissioner of Customs.

Hon. HOWELL COBB,
Secretary of the Treasury.

PHILADELPHIA, *February* 15, 1860.

SIR: Will you do me the favor to say whether the name of George W. Baker is now, or has, within the years 1857, 1858, or 1859, been on the pay-rol lof the custom-house at this port; and if so, for what length of time, in what capacity, and at what salary.

I am, sir, very respectfully, your obedient servant,

JAMES C. VAN DYKE.

Hon. SAM'L INHGAM,
Commissioner of Customs.

TREASURY DEPARTMENT,
Office of Commissioner of Customs, February 17, 1860.

SIR: In answer to your letter of the 15th instant, in relation to George W. Baker, I would state that Mr. Baker was appointed a clerk

in the Philadelphia custom-house, at the salary of $1,200 per annum, on the 13th of November, 1858, and still continues to hold the place.

Very respectfully, your obedient servant,

SAM'L INGHAM,
Commissioner of Customs.

JAMES C. VAN DYKE, Esq.,
Philadelphia, Pennasylvania.

UNITED STATES ATTORNEY'S OFFICE,
518 *Walnut street, Philadelphia, February* 27, 1860.

SIR: Will you do me the favor to inform me whether there is any provision in the law, or regulation of the Treasury Department, authorizing the appointment, by the collector of the customs, of a private secretary; and if there is such a provision, will you please refer me to it. Of course when I speak of a private secretary I mean an officer exclusive of that of deputy collector, for whose appointment I find authority.

I have also to ask of you the favor to state whether, in the appointment of George W. Baker, as clerk in the custom-house at this port, there was made to the department a statement of the duties he was to perform and the name of the person in whose place he was appointed, as provided in section 576 of the printed General Regulations under the United States revenue laws, (edition of 1857.) If such statement was not made, was there any statement as to the particular duties he was appointed to discharge; and if so, I should like to have a copy of such statement.

An early answer will oblige your obedient servant,

JAMES C. VAN DYKE,
Attorney for United States.

HON. SAMUEL INGHAM,
Commissioner of Customs.

TREASURY DEPARTMENT,
Office of Commissioner of Customs, February 29, 1860.

SIR: In reply to the inquiries contained in your letter of the 27th instant, I have to state that the only information I have in relation to the appointment of George W. Baker, is derived from the accounts of the collector and the record of the department. From these it appears that Mr. Baker was appointed, with the approbation of the Secretary of the Treasury, on the 13th November, 1858, assistant cashier, in the place of and at the same salary as Mr. John Goodyear, previously promoted.

Very respectfully, your obedient servant,

SAMUEL INGHAM,
Commissioner of Customs.

JAMES C. VAN DYKE, Esq.,
U. S. District Attorney, Philadelphia, Pa.

EXECUTIVE BINDING, ETC.

No. 3.

TUESDAY, *March* 27, 1860.

WILLIAM PETTIBONE was called and sworn.

By Mr. TRAIN:

Question. Where do you reside?
Answer. In Washington city.
Question. What is your business?
Answer. Bookbinder.
Question. State to the committee whether, at any time, you have executed any portion of the ruling and binding for the executive departments of the government; and if so, during what time?
Answer. I have executed binding and ruling for some of the executive departments during the latter part of Mr. Pierce's administration; work for the State Department, under Governor Marcy; and a portion for the Treasury Department, under Mr. Guthrie?
Question. When did you cease to be employed by the executive departments?
Answer. When the present administration came in.
Question. Do you know who has been doing that work since?
Answer. Yes, sir.
Question. Who?
Answer. Cornelius Wendell?
Question. For what period of time?
Answer. Since the advent of Mr. Buchanan, up to within some two weeks since. Two months since, in the Treasury Department, there was an order issued by the Secretary suspending the binding for the present, and that order has not yet been revived.
Question. Is Mr. Wendell a practical bookbinder?
Answer. No, sir.
Question. Are you familiar with the law of Congress providing that all the ruling and binding for the several executive departments should be executed by practical and competent bookbinders?
Answer. I am so familiar with it that I prepared the law myself.
Question. Have you any knowledge of the reasons which induced Congress to pass that act?
Answer. Yes, sir.
Question. What were they?
Answer. To break up the monopoly that existed. All the work of

the executive departments was concentrated in the hands of men who had no practical knowledge of the business they undertook to perform, and that kept out practical men from the business that belonged to them properly.

Question. After that became a law did you make application for any portion of the ruling and binding?

Answer. I did.

Question. To whom did you apply?

Answer. To all the Secretaries.

Question. When?

Answer. After that law passed; after it became a law.

Question. How soon after?

Answer. I suppose some ten days after; I cannot say the exact time; it might have been a week or ten days; sufficient time for the law to become printed and known.

Question. To whom did you make your application?

Answer. I went to Mr. Thompson, to Mr. Cobb, to Mr. Brown, to Mr. Toucey, and to Mr. Floyd—each of them.

Question. Can you state any conversation which you had with Mr. Cobb upon the subject?

Answer. Not particularly with Mr. Cobb; I could state more with Mr. Brown and Mr. Thompson.

Question. Very well; state what conversation you had with Mr. Brown and Mr. Thompson.

Answer. I called their attention to the law, and showed it to them.

Question. Was the conversation with them together or separately?

Answer. Separately.

Question. Take up the first conversation, in time, that you had with either of them, and state that.

Answer. I called upon Mr. Thompson and requested him to give me a portion of the work under that law, as I was a practical bookbinder, had an establishment, was a democrat, and had been in the city for some twenty years. He replied to me that they had made a decision, and all the work had been given to Mr. Wendell. I told him that the law required that practical men should have that work; that Mr. Wendell was not a bookbinder. He replied to me that Mr. Wendell had made the application as a bookbinder, and upon that application they had given him the work. He then said: "Suppose a man was carrying on a tannery for twenty years, would he not be a tanner?" I replied "no, he would not, necessarily, but tanning and bookbinding are different; you might carry on a tannery for twenty years and then not be able to tan a skin of leather yourself." I then drew a parallel in this way: "Suppose you appointed a man as a clerk and gave him a desk, and you then found that he could not write, but employed a proxy to write for him, would you continue him in his place?" He said "no;" but the thing was decided, and there was an end of it. I then left him and called upon Mr. Brown, the Postmaster General at that time. I told him that this law required practical men should have that work. He also informed me that they had decided to give the work to Mr. Wendell. He asked me a similar question about the tannery: "Suppose a man had carried on tanning

for ten years, would he not be a tanner?" I told him I did not know anything about tanning; I gave him the same answer that I gave to Mr. Thompson; but they concluded that Mr. Wendell was a practical bookbinder because he had an establishment for binding. I then called upon the President and laid the matter before him.

Question. State what conversation you had with him?

Answer. I called the President's attention to this law, and told him that this work ought to be given to practical men. He said that the cabinet had had this matter under consideration, and as they had acted upon it he did not wish to interfere. I told him that, in my opinion, the cabinet had acted wrong; that the law required them to give this work to practical men, and they had given it to a man who had no practical knowledge of the business; I differed from their decision of the law, and asked him if I could have the opinion of the Attorney General upon that law, as he was the proper one to give me an opinion. He said I could. I asked him how I could get it. He said, "Address me a communication in writing giving your views, and I will refer it to the Attorney General for his opinion; is that what you want?" I said "yes, sir." He said "you shall have it." I prepared a letter and addressed it to the President, and this I did at his own suggestion.

Question. Did you preserve a copy of that communication?

Answer. It is on file in the Attorney General's office.

Question. Do you mean the original?

Answer. Yes, sir.

Question. Look at this (handing witness a paper) and see if it is a correct copy of that communication?

Answer. (Looking at the paper.) It may not be an exact copy; there may be a word or so changed, but this is the sum and substance of it; the original is on file in the Attorney General's office; I presume this is a correct copy, for it is in the handwriting of the gentleman who prepared the original for me?

Question. What is his name?

Answer. Mr. A. R. Quartrelle.

Question. Will you read the communication, or this copy of it?

The WITNESS then read the paper, as follows:

"WASHINGTON, D. C., *July* 22, 1858.

"SIR: On the occasion of my interview with you some days since in relation to the ruling and binding of the several executive departments at Washington, as directed by a recent provision of Congress, I took the view, as you will remember, that the orders or contracts *since* awarded are not within, but in violation of, the express letter of the law; and that you answered me you would lay before the Attorney General such views of the subject as I might present, in order to draw from that officer his opinion as to the intent and meaning of said provision; I now, very briefly, avail myself of the privilege, as follows:

"By the 14th section of the 'Act to provide for sundry civil expenses of the government' for the year 1859, it is provided: 'That all the ruling and binding for the several executive departments shall be

executed by practical and competent bookbinders, to be appointed by the head of the department.'

"The language of this provision is too plain for construction. The terms 'practical and competent bookbinders' are *descriptive* of the person or persons who shall be appointed to execute the ruling and binding of the several departments; that to come within the *description* of the law *he or they must be learned in the art of bookbinding and ruling*, able and capable of doing with his own or their own hands the work.

"I will take the liberty, in support of my views, to refer your Excellency to the act of Congress authorizing the appointment of a Superintendent of the Public Printing. That act employs similar descriptive terms—he shall be a 'practical printer.' The appointment has, I understand, been made, and that your Excellency held, expressed, and *acted upon* the opinion that none but a *practical printer*, one learned in the art, could receive the appointment. The terms and objects of the two acts being, to the extent in question, identical, they should be interpreted to intend and mean the same that the person or persons appointed must come within the description—learned in the art. Such I know to have been the intention of Congress in making the provision in relation to the ruling and binding for the executive departments, and to give it to the *practical* bookbinders of Washington, *who established themselves here originally with that encouragement alone*. Your humble servant is one of the number, and feels himself aggrieved by the action of the departments above referred to; and hence he appeals to your Excellency as the officer designated by the Constitution of the United States to see that the laws of the United States are faithfully executed. All of which is respectfully submitted.

"W. PETTIBONE.

"His Excellency JAMES BUCHANAN,
"*President of the United States.*"

By Mr. TRAIN:

Question. Did you hand that letter to the President in person, or did you send it to him?

Answer. I sent it to him.

Question. Did you see him afterwards in relation to it?

Answer. I did; after I sent it to the President it remained some three weeks before I heard anything from it. I then caused a note to be addressed respectfully to him, requesting him to refer my communication to the Attorney General. A few days after that note had been sent I called at the Attorney General's office, and found my original letter to the President there; I asked the clerk to show it to me, and he did so; it had this indorsement on it: "Referred to the Attorney General, but not for his opinion." I called Judge Black's attention to the indorsement, and he said to me "this is a strange indorsement; it means nothing; I cannot give an opinion; the President might as well have kept the paper himself; I will take the paper back to the President and have that indorsement changed." He did so, and a few weeks after I called again and saw the paper with this second indorsement, as near as I can remember the words:

"As the cabinet have had this matter under consideration, and have acted upon it, I decline interfering." This was signed "J. B.," the President's own signature, as I was informed.

I will say here that I called upon the President after Judge Black informed me of the first indorsement. He replied to me: "Why, I have sent your communication to the Attorney General; I said, "I am aware of that, Mr. President, but the paper is indorsed in such a way that the Attorney General cannot give an opinion." "Why, how is that?" said he. I told him that it was indorsed: "Referred to the Attorney General, but not for his opinion;" says he, "Is that so?" "Yes, sir," I replied; "How do you know?" "Because I have seen the paper myself;" he seemed to express surprise; I then asked him if I could still have the opinion of the Attorney General; "Yes," he replied; I then said "How shall I get it? shall I go to Judge Black and say, as coming from you, that he can give me his opinion?" He said "Yes, tell him I say so; tell him to give you his opinion in reference to that law." I called upon Judge Black and informed him of what the President had told me; he replied, "You know, Mr. Pettibone, I cannot give you the opinion except the request is in writing;" he also said, "I will see the President to-day and ask him about it, and, if he authorizes me to give you an opinion, I will do so with pleasure." I called upon Judge Black the next day, and he told me that he had seen the President, and the President declined interfering; he said that as the cabinet had had this matter under consideration and had decided it, he declined interfering with it. After Judge Black informed me what he had said, I called upon the President and said to him: "Mr. President, did I understand you aright? You assured me I should have the opinion of the Attorney General upon a certain law; now Judge Black informs me that you decline allowing him to give me such an opinion." He says: "He informed you correctly; I do decline."

By the CHAIRMAN:

Question. When Mr. Buchanan asked you to furnish him that statement, did he say he would ask the opinion of the Attorney General upon it?

Answer. When I called upon the President in relation to this matter he asked me what I wanted, and if there was any law requiring this work to be done in the city of Washington. I told him then that I was not aware of such a law. But since then I have ascertained that there is a law requiring the work to be done in the city of Washington; the act of 1842. The President replied to me: "Sir, if I have my way, I shall send this work to Philadelphia; Philadelphia is my city; there is a gentleman there who is well posted and strongly recommended to me, and I would give it to him." That was repeated several times. I replied to the President in this way: "Why, Mr. President, if it is any honor to have come from Pennsylvania, I happen to have been born there, and the gentleman you speak of I do not think is stronger posted up than myself. I am a democrat; I have a letter here indorsed by two democratic ex-governors, now senators." To that the President paid no attention whatever, but still repeated:

"If I have my way, I shall send this work to Philadelphia; Philadelphia is my city; there is a gentleman there who is well posted and strongly recommended to me, and I would give it to him." I replied to that: "Mr. President, all I ask in this matter is simple justice." I bid him "good morning," and retired. I found I could get no redress or satisfaction in reference to the law, and I concluded to prepare a memorial to the Senate; which I did.

By the CHAIRMAN:

Question. Before you go any further, there was something in regard to the indorsement upon your communication being changed which it is proper should be stated here.

Answer. The indorsement was changed, as I have already stated.

By Mr. TRAIN:

Question. Had the first indorsement been erased and the second indorsement put in its place?

Answer. Yes, sir, and in the President's own handwriting. The original document is on file in the Attorney General's office.

I was going on to state that I prepared a memorial to Congress, which I handed to Mr. Hale, of the Senate, and he presented it to the Senate, and it was referred to the Committee on the Judiciary. The object I had in view in presenting this memorial, and having it referred to the judiciary committee, was this: as that law had had a legislative construction, I was anxious that the judiciary should give a construction to it, as the members of the cabinet had interpreted it differently from what I thought it meant. After this memorial had been referred to the judiciary committee, and had remained there some weeks, they reported it back to the Senate, and asked to be discharged from its further consideration, and moved its reference to the Committee on Printing. It remained with the printing committee until about a week before the close of the last session, when the chairman of the committee reported it back to the Senate, and asked to be discharged from its further consideration, but stated that it was well worth the examination and legislation of Congress; but for want of time they begged to be excused from its further consideration. That was the end of it, for it is now in a pigeon-hole in the Secretary's office.

Question. Have you had any further interviews with the President and cabinet, in relation to this matter, than those you have stated?

Answer. Yes, sir, frequently. I called upon the President several times, and upon one occasion asked him if he would not speak to Secretary Thompson, that I might have a portion of the work. He said he would. I called upon Mr. Thompson some days afterwards, and asked him if the President had said anything to him about the matter. He said "Yes, but he did not request me to give you any work." Of course he did not give me any. I then said to Mr. Thompson, "Suppose I should bring you a line from the President; would you give me some work to do?" He said he would. I then called upon the President and asked him to give me a line to Mr. Thompson, as I was sure he would give me some work to do if I would bring a line from him. The President said, "Yes, sir, a line from me would not only give you a portion of the work, but it would give

you the whole of the work, if I choose to give you that line, but I do not choose to give it." That was an end of it, and I did not trouble him any more.

Question. What law of Congress did you claim had been violated by the cabinet in giving this work to Mr. Wendell?

Answer. Section 14, civil and miscellaneous bill, of the Statutes at Large, volume 11, page 327.

[At the request of the witness, the clerk of the committee was directed to have it appear in the minutes of the testimony that the witness had not appeared voluntarily before the committee, but had come only in obedience to a summons served on him at his residence the day before.]

MONDAY, *April* 23, 1860.

WILLIAM PETTIBONE recalled.

By the CHAIRMAN:

Question. I understand that you desire to make some explanation relative to the testimony you gave some days ago.

Answer. Yes, sir.

Question. Go on and state your explanation.

Answer. It is this: my attention has been called to my letter to the President relative to the executive binding, and I find there is no erasure upon it. The first indorsement I spoke of, therefore, must have been on the envelope or wrapper, and that envelope or wrapper being gone, the second indorsement appears on the letter itself. The first indorsement was, "Referred to the Attorney General, but not for an opinion." That was on the wrapper. The second indorsement, on the letter itself, as near as I can remember it, was, "As the cabinet have had this matter under consideration, and have acted upon it, I decline to interfere.—J. B." That is the substance of it. That is all I wish to say upon this matter.

No. 4.

TUESDAY, *March* 27, 1860.

COLUMBUS ALEXANDER called and sworn.

By the CHAIRMAN:

Question. What is your occupation, and where do you reside?

Answer. I reside in Washington city, and I am a printer by profession; I also carry on a bookbindery.

Question. Have you at any time done any printing and binding for the executive departments in Washington?

Answer. I have, sir; a very considerable quantity.

Question. State at what period.

Answer. Well, sir, from 1840 up to the 26th of August, 1852, when the printing act came into operation. I have also done binding

since then, but very little, if any, printing—yes, sir, I did some for General Armstrong, under his contract.

Question. Have you, within the last three years, made bids or proposals to do binding for the executive departments; and if so, to which department did you make them?

Answer. In July, 1857, I made a proposition in writing to the Department of the Interior, proposing to do the binding for that department at thirty-three per cent. less than they were then paying for it. In the month of September following I renewed my offer, thinking, as I had not heard from it, that the department, in the multiplicity of its business, might have overlooked it; and I made the further proposition that, if they did not think proper to accede to my former proposition, I would pay into the treasury, for the use of the government, the sum of ten thousand dollars, provided they would give me the contract, at the prices then paid, for the binding of that one department alone from September, 1857, to the 4th of March, 1861; that upon the signing and sealing of the contract I would pay that amount over to the government for the government's use. My object was to show to the Secretary—to strike him forcibly at once—that it was a matter of some importance, of some interest to the government. I thought, perhaps, that the proposition of a reduction of the price thirty-three per cent. did not strike him as being a matter of much importance; but I thought the sum of ten thousand dollars would certainly open his eyes to some extent.

Question. Were either of those propositions accepted?

Answer. They were not accepted; that is, the Secretary never condescended to notice them.

Question. What reasons, if any, were given for such refusal?

Answer. I perhaps had better read an extract from a letter of the Secretary to a former committee, which I have here. This is a report of a committee of the House of Representatives, [referring to a printed document which he held in his hand.]

By Mr. WINSLOW:

Question. Was that letter directed to you?

Answer. No, sir; but it refers to those propositions I have mentioned as having made to the Secretary of the Interior.

Mr. WINSLOW objected to the reading by the witness of any document that the committee themselves could obtain.

By the CHAIRMAN:

Question. Is there any reason you know of yourself, independent of that, why the Secretary refused to accept your proposition?

Answer. No, sir; he never made any communication to me upon the subject.

Question. Had you any conversation with him after this law was passed compelling the departments to give this work to practical persons?

Answer. I never approached him upon the subject; I saw that there was an indisposition to pay any attention to it, as I had formerly seen in the Superintendent of the Public Printing, when he had control of the executive binding.

Mr. WINSLOW. I object to that.
The WITNESS. I know that fact.

By Mr. WINSLOW:

Question. How do you know it?
Answer. For the best reason in the world: I made the proposition myself to the Superintendent of the Public Printing, and he declined it.

By the CHAIRMAN:

Question. Have you any estimate of the profits to be derived from doing all the work for all the departments?
Answer. Well, sir, I could safely say that it would be from 30 to 50 per cent. I should be very glad now to take it at 50 per cent. less than they are paying for it, even at the present time.

By Mr. ROBINSON:

Question. Are you speaking now of the printing for the executive departments?
Answer. The printing and binding also. I made a proposition in writing through the post office to General Bowman, I think in January last, to do all the printing at 50 per cent. less than allowed under the printing act of 1852. The printing being for the executive departments, and the binding for 33 per cent. less; I never got any answer from him, for some reason or other.

By the CHAIRMAN:

Question. Do you know the probable amount of the printing and binding for the departments for a year?
Answer. They can make it almost any amount they choose; it depends entirely upon the department. They can cut out an order at any time they think proper, and say that the exigencies of the department, or the good of the public interest requires that certain binding or printing should be done, and it is ordered to be done.
Question. The question was, whether you know what the printing and binding of the different departments have amounted to a year since the commencement of Mr. Buchanan's administration?
Answer. I cannot say that I have examined critically to ascertain the amount, but I should think the binding, to the best of my knowledge, would amount to $100,000 any how; I speak of all the departments.
Question. Do you include the printing?
Answer. No, sir.
Question. How much would the printing amount to?
Answer. I do not know; I have not examined that subject very closely, not so closely as I have the binding, because that is under the control of the Superintendent of Public Printing.
Question. Is the printing as large an item as the binding?
Answer. O! the printing is a much larger item. I offered to do the whole of the executive printing at 50 per cent. less than the law of the 26th of August, 1852, allowed. I offered that to Mr. Bowman since his election as public printer; and independent of doing it for

50 per cent. less, I expected to make my profit out of that. And I proposed to do the binding of all the executive departments at 33⅓ per cent. less than he receives for it now. In other words, I proposed to take 66⅔ per cent. for my part, giving him 33⅓ per cent., he expending no capital at all, being at no expense whatsoever.

Question. And you say you expected to make a fair profit after that?

Answer. I expected to make my profit after that, of course. I have considerable experience in this matter, and have long been a contractor with the government for its executive printing previous to the printing act coming into operation. I did it for some 8 or 10 years—from 1841 or 1842 to 1852. Under the contract system I had the principal part of the executive printing—pretty much all.

By Mr. ROBINSON:

Question. The law fixes the prices for all this work—the binding and printing for the executive departments—does it not?

Answer. No, sir; just what the department chooses to pay for the executive binding; whatever they choose to make out the bills for, if they approve them, they pay. The law fixes the price for the printing, but not for the executive binding. The price is fixed for the congressional binding, the binding of the congressional documents. When I refer to the executive printing, I refer to all the printing of the executive departments, including the post office blanks.

By Mr. WINSLOW:

Question. Including the fat and lean, as it is called?

Answer. Yes, sir; the fat and the lean, everything together. The printing is a much larger item than the binding, and the departments can make it almost as profitable as they please.

By the CHAIRMAN:

Question. Can you account why it was that you never were able to get any of this printing and binding? Are you opposed in politics?

Answer. No, sir; I consider myself a democrat.

Question. Where can we get the amount of this printing?

Answer. You can, perhaps, get it from the report of the Superintendent of the Public Printing. But there is one striking fact that does not always appear in the reports. Suppose that the report shows a certain amount of work for this year; there may be an order for work at the end of the year, just before the Superintendent is about to make up his report, and that work is not paid for until the work is done, and does not appear in that report. It is only by taking several years together that you can get at the amount. I found that in Seaman's report, when he had covered it up so as to blind the public.

By Mr. WINSLOW:

Question. It would come out in the next year's report, would it not?

Answer. Sometimes it would; I guess there is some of it that was ordered during Seaman's time has not come out yet.

No. 29.

THURSDAY, *April* 19, 1860.

S. B. BLANCHARD called and sworn.

By Mr. OLIN:

Question. What is your residence, and what is your occupation?
Answer. I am a practicing physician here in the District.
Question. In this city?
Answer. Yes, sir.
Question. Do you know Mr. Wm. Pettibone, of this city?
Answer. I do.
Question. How long have you known him?
Answer. I have known him about ten years.
Question. Are you acquainted with his reputation for truth and veracity?
Answer. Intimately.
Question. What do you say in regard to it?
Answer. That I never knew a man in my life whose reputation stands fairer in the community in which he lives than Wm. Pettibone's.
Question. And you would believe him under oath, would you?
Answer. I would not only believe him under oath, but I would say that I never knew him, even in conversation with his friends, to state a thing that was not true. He is not in the habit of even joking upon trivial subjects. Whatever he says is always truthful and to be relied upon.

No. 30.

THURSDAY, *April* 19, 1860.

WILLIAM F. BAYLY called and sworn.

By Mr. OLIN:

Question. Where do you reside?
Answer. In Washington city.
Question. What is your occupation or profession?
Answer. My business is that of a stationer.
Question. How long have you been a resident of this city?
Answer. About twenty-one years.
Question. Do you know Mr. William Pettibone?
Answer. I have known him for about twenty years.
Question. Do you know his reputation for truth and veracity?
Answer. It has always been unquestionable as far as I have ever heard. I have known him very intimately, and never had any reason

to doubt his character, his integrity, or his veracity. He has always been a straightforward man.

Question. And you would always believe him under oath without hesitancy?

Answer. Without the least hesitation in the world; as soon as I would believe any other man that I know.

No. 31.

THURSDAY, *April* 19, 1860.

VALENTINE BLANCHARD called and sworn.

By Mr. OLIN:

Question. Do you reside in this city?
Answer. Yes, sir.
Question. What is your occupation or profession?
Answer. Bookseller and stationer.
Question. Do you know Mr. William Pettibone, of this city?
Answer. Yes, sir; I have known him a great many years.
Question. Are you acquainted with him sufficiently to say what is his reputation for truth and veracity?
Answer. Yes, sir.
Question. What is his reputation—good or bad?
Answer. His reputation for truth and veracity stands as high as that of any one in the city that I know.
Question. You would believe him under oath?
Answer. Yes, sir.

No. 32.

THURSDAY, *April* 19, 1860.

W. E. KENNAUGH called and sworn.

By the CHAIRMAN:

Question. Where do you reside?
Answer. In this city.
Question. What is your occupation?
Answer. I am an agent for claims.
Question. Do you know Mr. William Pettibone?
Answer. Yes, sir.
Question. How long have you been acquainted with him?
Answer. I suppose about twenty years.
Question. Have you had the means of knowing his general reputation for truth and veracity?
Answer. Yes, sir; I have.

Question. What do you say as to his character for truth and veracity?

Answer. Unexceptionable, as far as I ever knew or heard.

Question. And you would believe him under oath?

Answer. Yes, sir; undoubtedly.

No. 33.

THURSDAY, *April* 19, 1860.

JOHN WAGNER called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In this city.

Question. What is your occupation?

Answer. I am a gilder.

Question. Do you know William Pettibone?

Answer. Yes, sir.

Question. How long have you been acquainted with him?

Answer. Between twelve and fifteen years. I got acquainted with him sometime about 1846.

Question. What is his reputation for truth and veracity?

Answer. Very good. I can say, without exception, that I do not know another man whose word I would sooner take than his.

Question. Have you had opportunities of knowing his reputation in that respect?

Answer. Yes, sir; I guess that in that period of time I have been more intimate with him than almost any other man.

No. 34.

THURSDAY, *April* 19, 1860.

A. ROANE called and sworn.

By the CHAIRMAN:

Question. Are you a clerk in the Attorney General's office?

Answer. Yes, sir.

Question. Have you any recollection of a communication being received at the office from the President, signed William Pettibone; and if so, at what time?

Answer. About three weeks, I suppose, after the date of the letter Mr. Pettibone called at the Attorney General's office, and asked me if the communication had been received from the President. I told him that it had. He asked to see it, and I went to the files and took it off. He desired to see the indorsement upon it, which I at first

hesitated about doing, as I did not know that I had any right to let him see any indorsement by the President upon a paper. However, upon consideration I allowed him to see it. He called several times after that to see about that paper, and asked if the Attorney General had given an opinion upon the subject. I told him that I did not consider that an opinion was called for by the indorsement. He then desired to see the Attorney General. When he first called, and several times afterwards, the Attorney General was busy, and could not see him. Finally—I do not recollect now after what interval—he brought a letter or a note from the President to the Attorney General. I did not know the contents of the note, and do not know even that it referred to the subject of the letter; and I think, according to my recollection at present, the Attorney General on that occasion called for the letter of Mr. Pettibone to the President, and I took it to him in his room. I did not see anything more of the letter for some time afterwards, when it came back to me, and I have had it in my custody ever since.

By Mr. WINSLOW:

Question. Have you that letter here?

Answer. I have.

Question. Will you produce it?

Answer. Here it is, [producing the letter, indorsed in the handwriting of the President.]

The indorsement was then read as follows:

At the top of the paper as folded were these words:

"JULY 22, 1858.

"WM. PETTIBONE, bookbinder."

The middle of the paper had upon it the following:

"Referred to the Attorney General, though the President does not intend to interfere with the decision or action of the different heads of department in the selection of bookbinder, the law having expressly conferred this power upon them.

"J. B."

By the CHAIRMAN:

Question. Did you say that when you handed the paper to him it was away for some weeks?

Answer. When I handed it to the Attorney General, not to Mr. Pettibone; I am certain about its being away for some time; it was some time before I got it again.

Question. Was the communication under cover—in an envelope?

Answer. That I do not remember particularly, because we are in the habit of receiving from the President some letters every day—sometimes 20 or 30 letters—sometimes they come in special covers, and sometimes without covers. The President has envelopes with the addresses of the different heads of departments printed upon them, among others some for the Attorney General, and the papers are frequently sent over to the office in them. I nearly always open them.

I have no particular recollection about this paper, whether it came with a cover or not.

Question. What is the custom—is the endorsement on the envelope sometimes, or is it always on the paper?

Answer. If there is an indorsement upon an envelope calling for any action of the Attorney General, the envelope is always preserved; if it is a simple indorsement referring it to the Attorney General, being merely a reference to file, the envelope is not preserved; but it is not usual for a letter to be indorsed, and the envelope to be also indorsed.

Question. Have you any recollection of any indorsement being upon the envelope when the paper first came into your office?

Answer. I have no recollection about it at all, whether it came in an envelope or not, or if it did come in an envelope whether there was any indorsement upon the envelope or not.

Question. Have you any knowledge that the paper was taken out of the office and returned to it again?

Answer. No, sir; I only know that I gave it to Judge Black, and I presume—although I do not know—that it was taken to the President by him. It was out of my hands for some time, and afterwards came back to my hands again in the regular way.

Question. You say that sometimes there is an indorsement on the envelope and sometimes on the paper.

Answer. Yes, sir; but if there is an indorsement on the envelope that requires any action of the office, the envelope is preserved and filed with the paper. For instance, if there is an indorsement upon the envelope "referred to the Attorney General for his opinion," the envelope is preserved as the foundation for the action of the office.

Question. Suppose that paper had gone back with the envelope to the President, is it not possible that that envelope had an indorsement upon it, and was not returned to your office?

Answer. That is very possible, but I have no recollection as to that at all; I think it unlikely that there should be an indorsement on the paper and on the envelope also, if there was an envelope; I do not know about that.

Question. Was the paper in the office all the time Mr. Pettibone was there pressing for a decision, or was he there occasionally before the paper came to the office at all?

Answer. I do not recollect particularly about that; I know that he came very frequently and inquired about it.

Question. Did he ever make any complaint about the indorsement not being satisfactory?

Answer. No, sir; not to me.

By Mr. WINSLOW:

Question. Have you had the custody of this paper?

Answer. Yes, sir, ever since.

Question. I understand you that if ever, upon any occasion, there was any direction upon the envelope giving authority to the Attorney General to look into papers, the envelope is as carefully preserved as the original paper.

Answer. Yes, sir.

Question. Have you any recollection of any such indorsement in this case?

Answer. No, sir, I have not; I have no recollection whether it came in an envelope or not.

Question. You say that the practice of the office is, and that your duty would have been, to keep carefully the envelope if there was any indorsement upon it.

Answer. Yes, sir.

Question. Will you look at this paper [the one prepared by the witness] and see if there is any erasure?

Answer. I have examined it with a magnifying glass; there is no erasure upon it.

Question. If the envelope had had an indorsement upon it, and had come back to you with an erasure and another indorsement, would it not have been your duty to preserve that envelope? Is it probable that you would have destroyed it?

Answer. It would have been preserved if it contained any authority for action.

Question. The witness Pettibone, in his examination in chief, says:

"I called at the Attorney General's office and found my original letter to the President there; I asked the clerk to show it to me, and he did so; it had this indorsement on it: 'Referred to the Attorney General, but not for his opinion.'"

Is it probable that if this paper had come with this indorsement upon it, and it had been sent back to the President and this indorsement erased, that the envelope would have been destroyed in the office?

Answer. No, sir.

Question. Have you any recollection of any indorsement of that kind?

Answer. Not the slightest.

Question. Have you any recollection of any erasure upon the paper that came to you?

Answer. No, sir.

Question. Have you ever, in any conversation with the Attorney General, heard any intimation from him that there had been any such erasure?

Answer. I have not.

Question. This I understand is the paper you first received and filed.

Answer. That is the only paper on the files of the office relating to that subject.

Question. And it now is as it was presented originally, without any alteration?

Answer. Yes, sir.

By the CHAIRMAN:

Question. You say that you do not know whether it came originally with an envelope or without it?

Answer. I have not any recollection about that whatever.

Question. Was not Mr. Pettibone at the Attorney General's office, asking for his decision before the cabinet had acted upon the matter?

Answer. He asked if the Attorney General had given a decision, and I told him—such at least is my recollection—that the indorsement was such as required no opinion from the Attorney General; it was not a reference for an opinion, and the Attorney General only gave an opinion when there was a special reference for an opinion.

Question. Is this indorsement on the paper the same that you showed to him the first time you showed him any indorsement, or might there not have been an indorsement on the envelope?

Answer. I have no recollection of the paper except with the indorsement; my recollection of the paper and the indorsement is all blended together, and the only recollection I have of the paper is as it is indorsed.

Question. You do not say distinctly that there was no envelope upon it and no indorsement upon the envelope?

Answer. No, sir, I do not say that; we receive so many letters that I could not recollect particularly about this one.

Question. Was that paper out of your hands long enough to have been taken to the President and returned without the envelope?

Answer. Yes, sir.

Question. How long do you suppose it was out of your hands?

Answer. I could not say as to that; it may have been a week or two weeks, or less than that.

Question. Might not this letter have come to you the first time in an envelope, and during the time that envelope was out of your hands for two or three weeks have been in the hands of the President, and then come back to you with this indorsement?

Answer. It is possible that that might have been so, although I have no recollection distinct from the indorsement upon it.

By Mr. WINSLOW:

Question. This is the paper I understand you to say that was filed in the office?

Answer. This is the paper.

Question. And you say this paper is now as it was when it was filed in the office?

Answer. I did not say that; I say that I have no recollection of the indorsement separate from the paper, or the paper separate from the indorsement.

By Mr. OLIN:

Question. Do you mean to swear or to be understood to swear that the first time this paper came into the office it had this indorsement upon it?

Answer. No, sir.

By Mr. WINSLOW:

Question. You have no recollection of the paper distinct from the indorsement, or the indorsement distinct from the paper?

Answer. No, sir.

By Mr. OLIN:

Question. You cannot speak with certainty as to the particular time that indorsement was put on, then?

Answer. No, sir; I know that when Mr. Pettibone called to inquire about the paper and I showed it to him, it had its indorsement upon it.

By the CHAIRMAN:

Question. Did it have this indorsement?

Answer. If there was an envelope it might have been upon that.

By Mr. OLIN:

Question. If the paper had been sent to the President the envelope would unquestionably have gone with it?

Answer. Yes, sir.

Question. And if he had made up his mind to change his indorsement upon it he would either substitute another envelope and indorse that, or indorse it on the letter itself, and retain the first envelope with its indorsement?

Answer. Yes, sir.

Question. Withdrawing his first instruction or indorsement?

Answer. It is not probable that he would have made an erasure upon an envelope; the President would have no object, nor could anybody else in making an erasure upon an envelope; he would have substituted another envelope.

[Subsequently, while Attorney General Black was being examined, Mr. Roane being present in the committee room, Mr. Roane said: As Mr. Pettibone has stated that he brought this matter of erasure to my attention, and has introduced witnesses here as to his character for veracity, I would like, if it is at all necessary, to have Judge Black questioned as to my veracity.

Mr. OLIN. I do not know that there would be any objection to that; I will say that I have rarely seen in court, where two gentlemen happen to disagree as to their recollection of a particular fact, the practice of calling witnesses to support the character of either; and I do not think there is any necessity for that here.

Mr. ROANE. I do not intend to call any witnesses, but I thought that as Judge Black was here the question might be incidentally asked him.

Mr. OLIN. I think it is to be presumed, from the fact that you are in the Attorney General's office, that you are a gentleman, and entitled to credit. It might be supposed, if the question was asked, that there was some cause for impugning your veracity.

Mr. ROANE. I have no particular desire for it, and perhaps it may as well not be done.]

No. 35.

THURSDAY, *April* 19, 1860.

J. S. BLACK called and qualified.

By Mr. OLIN:

Question. Please state such facts as have come within your own knowledge in reference to the letter of William Pettibone to the President, and any indorsement upon it, connected with the testimony of Mr. Pettibone, as you have heard it read here this morning.

Answer. I am unable to speak with any great confidence about words or minute facts concerning a matter that occurred so long since. I have a very distinct recollection that Mr. Pettibone was at my office. I recollect also that he wanted to get my opinion about the construction of that law, and that I explained to him how impossible it was for me, consistently with the official duty that I owed under the law, to give any opinion unless required by the President, or requested by one of the heads of department in regard to some matter which concerned the current business of their departments; that it must be a practical case, and it must come from them, and no other authority could demand any opinion from me, except such opinions as were given in the current business of my own office. I know of no letter but this one produced here by Mr. Roane this morning. I know of no indorsement upon that letter, except what is on it now. I know nothing about any envelope, and have no reason to believe that there was an envelope on this letter; and have no reason to suppose that if there was any envelope on it there was any indorsement upon it. These are the general facts, so far as I know them. If one of the committee will call my attention to any particular subject, I will answer.

Question. I do not know but what that covers the whole ground of inquiry. Was there any other indorsement on any paper separate from the letter that came to your knowledge, according to your present recollection?

Answer. I know of no paper referring in any way to the subject of book-binding, in connexion with Mr. Pettibone and his application to the President, except the letter produced here. That is the only paper of any kind that he could have anything to do with in the matter, so far as I know; and I know of no indorsement upon that, except what appears upon it now.

Question. Or upon any envelope accompanying it?

Answer. Or upon any envelope accompanying it.

By Mr. WINSLOW:

Question. Have you any recollection of any erasure upon any envelope by the President?

Answer. No, sir. I think that would be wholly impossible from the appearance of the paper; but any other man is as good a judge as I am upon that point.

By Mr. OLIN:

Question. From the very nature of the transaction there would be no erasure upon it, unless it would be found upon this letter?

Answer. No, sir.

By Mr. WINSLOW:

Question. If there had been an indorsement upon the envelope, and that indorsement had been subsequently erased, would not your attention have been naturally excited to that fact, and would you not now have a recollection of any erasure upon the envelope?

Answer. I think if the paper had been altered or changed in any manner whatever I would have recollected about the circumstance. I do not think it would have passed without my knowledge, or that I could have seen even a sign or trace of such a thing without its being regarded by me as a very remarkable fact. I would not consider it at all remarkable for Mr. Buchanan to change an indorsement upon a suggestion made to him that there was something wrong about it; but he would do it by adding something below expressing the fact that it was altered. He would not take the trouble of having it nicely erased for the purpose of having another indorsement put upon it.

Question. The intention of the question was to ascertain from you whether that fact would not have brought the matter so distinctly to your recollection that you could now speak of it?

Answer. I think so; I think I should have been very much struck with a fact like that.

Question. I would ask you, (if you feel at liberty to answer the question—I do not know that the question is entirely proper,) did you ever hear anything from the President, in any conversation with him, leading you to believe that there was such an erasure?

Answer. No, sir; not a word. Everything that was said upon this direct subject was of a contrary tendency altogether. I ought to say, in justice to Mr. Pettibone, that when he says I talked with him, and used the words read to me concerning the indorsement upon that paper, I might have used some language very much like that; that is, that I would get the President to change it. I do not remember now anything of that kind was said between us. Perhaps I said to him that this indorsement did not authorize me to give him an opinion, but if the President wanted me to give him an opinion, let him say so: "You say that he does want an opinion of me; he has mistaken the way to call upon me for it, and I will take it to him and ask him whether he intends to have an opinion or not." And it is also true that I might then have taken it to the President; but I remember nothing of the kind.

By the CHAIRMAN:

Question. When Mr. Roane handed you the paper on one occasion, and you kept it from him for some time, have you any recollection of its going back to him in the same envelope?

Answer. I do not remember that fact at all. It is altogether probable that the paper was in some special custody of my own—

about my own table, perhaps, and in my own room, instead of being filed away in the office.

MONDAY, *April* 23, 1860.

ARCHIBALD A. QUANTRILLE called and sworn.

By the CHAIRMAN:

Question. Do you reside in this city?

Answer. Yes, sir.

Question. Will you state what you know about the papers of Mr. Pettibone to the President, in relation to the executive binding—all you know about the matter?

Answer. I think it was about the close of the last session, or, perhaps, immediately after the close of the last Congress, Mr. Pettibone came to me and showed me a rough draft of a paper in relation to the executive binding. In that he had quoted a provision of Congress directing the binding to be done by practical and competent bookbinders. He then went on to tell me that he had had interviews with some of the Secretaries, I think, perhaps, with Mr. Thompson, and others; all of which I do not now remember. He then asked me whether I would not draw up for him a letter. He said that he had seen the President, and the President had requested him to submit his views in writing, and he would then refer them to the Attorney General for his opinion. I told him that I would do it for him. I took this little memorandum of his to my room and drew up the letter for him, which letter I understand has been produced here to the committee. I do not now remember whether I sent it to the President for him, or whether he sent it himself or handed it to him. However, he came to me subsequently, in a very few days after that, and told me—I now remember that it was only a few days before the President went to Bedford Springs. Mr. Pettibone came to me in a few days and stated that he was going to visit the north, going to Niagara Falls, and that, in the meantime, I would oblige him if I would address a letter to the President, if he should arrive first, calling his attention to this communication, that he believed it had not been sent to the Attorney General. I did address a letter, in his name, to the President; and after Mr. Pettibone returned he called at the Attorney General's office and he said he had found the letter there, and it had just reached there, with an indorsement upon it.

By Mr. WINSLOW:

Question. What was the indorsement?

Answer. Mr. Pettibone has told me that he found the communication indorsed: "Referred to the Attorney General, but not for an opinion."

Mr. ROBINSON. Mr. Pettibone has told all this himself.

By the CHAIRMAN:

Question. Make your statement as short as possible.

Answer. The matter went on, and Mr. Pettibone told me that he had various interviews. I suppose, however, that is not testimony. He then came to me some time after that, I do not remember how long, but a very short time, and showed me a letter written and signed by Judge Black. My recollection of its contents is that he had seen the President in relation to the binding, and that he thought the President had expressed his determination not to further interfere in the matter, and added that he could not undertake to decide, or give an opinion which would go to change the direction of orders, unless the papers were officially referred to him for an opinion.

Mr. WINSLOW. I object to this secondary evidence.

The CHAIRMAN. Mr. Pettibone has stated that he could not find the letter.

Mr. OLIN. Has he so stated in his testimony?

The CHAIRMAN. He stated so to me.

The WITNESS. Mr. Pettibone came to me a few days since, supposing that I had the letter, as he could not find it in his possession. I do not know whether I have it or not, I have not been able to find it; but I read it.

By Mr. OLIN:

Question. Did you know Judge Black's handwriting?

Answer. I had seen it. I had no doubt of it at the time. It had the appearance of being a genuine letter.

No. 50.

TUESDAY, *May* 8, 1860.

W. C. N. SWIFT called and sworn.

By Mr. OLIN:

Question. You reside at New Bedford, Massachusetts?

Answer. Yes, sir.

Question. And you were examined at the last session of Congress before a special committee of Congress in reference to certain timber contracts that you entered into with the Secretary of the Navy?

Answer. I was.

Question. I do not now recollect the name of the contractor who failed to perform the contract which was subsequently awarded to you. What was his name?

Answer. There were several parties.

Question. Several parties to the contract?

Answer. There were two or three contracts.

Question. Was there more than one contract executed on the part of the government?

Answer. There were three distinct contracts.

Question. All of which were cancelled by reason of non-performance?

Answer. Yes, sir.

Question. And subsequently awarded to you?

Answer. Yes, sir.

Question. And were you the sole contractor?

Answer. I was.

Question. Was the contract which you executed with the government in writing?

Answer. It was.

Question. Do you recollect whether you produced a copy of that contract before "Sherman's committee," as it is called?

Answer. I do not; I suppose they got a copy from the department.

Question. Have you a copy of that contract with you?

Answer. I have not.

Question. Was it executed in duplicate?

Answer. I think not. Contracts with the department are signed, and then returned to the department. I had a copy taken of the contract, probably, as I have always done so in such cases.

Question. But you say it was not executed in duplicate, you taking the one copy and the department the other?

Answer. The contracts which I have made with the department have never been in duplicate.

Question. Do you recollect the time provided by the terms of the contract you entered into for the delivery of the lumber?

Answer. As near as I can recollect, a certain portion was to be delivered "immediately"—I think that was the term—and the remainder by February following.

Question. The February following the execution of the contract?

Answer. Yes, sir.

Question. You say a portion of the lumber was required to be delivered immediately. That portion was already in the lumber yard, was it not?

Answer. All of the lumber the immediate delivery of which was required was already on hand in the lumber yard, I think, except in the navy yard at Pensacola.

Question. You, of course, complied with that part of the contract, except so far as Pensacola was concerned. When did you comply with the contract at Pensacola?

Answer. I do not remember the precise dates; I would say that there is testimony in relation to this matter before the other committee. In consequence of the season being unfavorable—the yellow fever prevailing in Louisiana, where I had timber—there was delay in the shipment. The timber, after the first delivery at Pensacola, was lying in Louisiana ready for shipment at the time I made the contract.

Question. But you were unable to deliver it immediately in consequence of the yellow fever?

Answer. Yes, sir; and as soon as I could ship it, it was done.

Question. Do you recollect about what time that was?

Answer. I do not. I remember that the contract was annulled in consequence of no delivery having been made; or, rather, I received a letter from the bureau that the contract would be suspended or annulled, and I think it was annulled. But the commodore of the yard wrote to the bureau that he had heard of a vessel or vessels on the way with this timber, and in consequence of that it was received.

Question. Do you recollect when you supplied the balance at the other navy yards that was to be subsequently delivered?

Answer. I do not remember distinctly the dates. The timber was all procured and already shipped, or in process of shipment (vessels had gone for it) before the expiration of the time.

Question. Has it all been delivered at the present time?

Answer. I think it has.

Question. Are you unable to make a definite statement upon that subject?

Answer. I really do not remember particularly about it. I shipped to the navy yard at Portsmouth, New Hampshire, I thought, more than timber enough to comply with the requirements of the contract. And it proved to be more than enough in quantity, but certain qualities were deficient in consequence of the rejection of a portion of it, from short measurement, as I thought. There was a deficiency of 2,000 feet at that yard, which has since been made up.

Question. When was the balance made up?

Answer. It was made up the following season. But the contract was virtually complied with, as I regarded it. All the contracts were complied with, but there was a deficiency of this particular kind of timber which the department considered it desirable to have.

Question. You do not mean to say that the contract was complied with according to the terms of it?

Answer. I think I sent timber enough to the yard to fulfill the contract literally.

Question. But you did not send it in season.

Answer. I sent it in season—that is, it was sent last year.

Question. Did you deliver a stick of timber but what was supposed to be on hand at the time you executed the contract—on hand in the different navy yards? Did you forward a stick of timber in performance of the contract by the time specified in the contract? Of all the timber contemplated to be delivered to the navy yards, was there a stick of timber furnished by the time required by the terms of the contract?

Answer. I think so, except in the yard at Pensacola, as I have before stated.

Question. Do I understand you that you are unable to answer that definitely, positively?

Answer. The first delivery, I think, of timber was in the yards, or in places from which it could be at once shipped Do you refer to the second delivery?

Question. Did the contract provide for more than two periods of delivery?

Answer. I think two periods.

Question. One was immediately, as I understood you. One condition of the contract was that certain timber should be delivered immediately, and that you supposed you could comply with, from the fact that timber was already in the yards suitable to be delivered on that contract?

Answer. Yes, sir; in the yards, and at New Bedford and other places, from which it could at once be shipped.

Question. And, so far as the timber in the yards was suitable, that portion of the contract was complied with, according to the terms of it?

Answer. Yes, sir.

Question. Now, certain other timber that you contemplated delivering, and for which purpose time was given by the terms of the contract; do you say that you delivered one stick of the timber required by that last provision by the time required by that contract?

Answer. I said that at the time of the expiration of the contract the timber was already shipped, or in process of shipment; it had been procured.

Question. Do you refer to the timber designed for Pensacola?

Answer. The other yards I refer to. In consequence of failing to deliver the timber at Pensacola immediately, from the causes I have stated, the contract was suspended. But when it was found that it was shipped and on the way it was received.

Question. Can you state the period when the second delivery was to take place?

Answer. In the February following the contract.

Question. Do you recollect on what day of February?

Answer. I think the first day, but I am not positive.

Question. Did you deliver any timber in February?

Answer. I do not remember.

Question. Do you remember whether you delivered any as early as March?

Answer. I really cannot recollect.

Question. Can you tell within two or three months when you did deliver any?

Answer. It was all delivered in the spring, however, of that year.

Question. It was not all delivered at the time you were examined before Mr. Sherman's committee?

Answer. No, sir.

Question. You do not recollect the month when it was delivered?

Answer. I do not remember the precise time; no, sir.

Question. Can you tell within three months?

Answer. Yes, sir; I say it was all delivered in the spring of the year 1859. Possibly the delivery of some of it may have been protracted to June or July. I found it an impossibility to get vessels to go and get the timber.

Question. Nobody finds any fault with your vigilance in the matter.

Answer. The timber was all procured and ready for shipment, and would have been delivered earlier but for the impossibility of getting vessels. There had been one or two vessels lost at the place at which it was shipped, and the captains became frightened and would not go there. Finally, in April, I think, I succeeded in getting five or six vessels.

Question. Has the account between the department and yourself, with reference to this contract, been closed and adjusted yet?

Answer. I think it has.

Question. Why are you not able to state positively?

Answer. The committee may consider it singular that I do not remember definitely about this matter; but I have a great deal of other business that requires my attention.

Question. This is a pretty important matter. I trust you have not a great many as important contracts as this on hand at the same time.

Answer. I have business that requires more of my time and more of my thoughts than this. This is not the principal portion of my business.

Question. You cannot, then, as I understand you, speak definitely and positively as to whether your accounts with the department in reference to this contract have been settled and adjusted?

Answer. I think it has been closed.

Question. Do you recollect when?

Answer. There is one that has been closed recently; the one at Portsmouth, New Hampshire, where there was a deficiency.

Question. When was that account adjusted and settled?

Answer. Within a month, I think.

Question. When you were on your way to Charleston, passing through this city?

Answer. I think I received the reservation money at that time.

By Mr. ROBINSON:

Question. Can you recollect whether you received it then or not?

Answer. I think I received it then; yes, sir.

Question. Had you been in this city recently before that time?

Answer. Yes, sir; I had been here several times within two or three months.

By Mr. OLIN:

Question. Were there several contracts executed by you; for instance, a contract to deliver a certain amount at Portsmouth; was that a separate contract from the contract to deliver at certain other places, or was it all one contract?

Answer. There were three contracts, I think.

Question. Three separate contracts entered into by you?

Answer. Yes, sir.

Question. Do you recollect when the other two were adjusted?

Answer. I do not; it was some time last spring or summer; in the summer, maybe, that they were finally concluded. There was some delay in concluding the delivery of the timber. It takes a long time to inspect it, and in many of these instances it has been quite a long time after the delivery of the timber before the accounts have been settled.

Question. About what proportion did the timber you subsequently delivered bear to all the contract? Do you understand the inquiry?

Answer. Do you mean the proportion between the first and second deliveries?

Question. Yes, sir. You had a certain amount of timber already delivered at the various navy yards at the time of the execution of the contract. The question I desire you to answer is, what proportion of the timber was on hand at the time of the execution of the contract, compared with that portion you subsequently delivered?

Answer. I do not remember the exact amount; but, except at Pensacola, it was, I think, in the aggregate equal to the amount required in the contract. In the Norfolk yard there was a larger amount than in some of the other yards.

Question. And if all on hand had been received there was sufficient to comply with all the contracts in all the yards except at Pensacola?

Answer. I think there was.

Question. Was it all, or nearly all, received?

Answer. There was a considerable portion of it rejected.

Question. About what proportion was rejected compared with the portion that was received?

Answer. I cannot state exactly.

Question. Give a general statement, as near as you can.

Answer. I do not know. There was a large amount of it. But notwithstanding the rejections, my impression is that I had enough in the aggregate in all the yards to make the quantity required.

Question. So that actually very little was taken to the yards except at Pensacola?

Answer. On the first delivery?

Question. On the second delivery.

Answer. On the subsequent delivery it was delivered at all the yards except at Norfolk.

Question. You misapprehend the inquiry that I wish to put to you.

My inquiry is, what proportion of the timber required under the contract—you had some on hand, and some you expected to deliver in February—what proportion did the timber on hand bear to what was subsequently to be delivered in February?

Answer. I do not know that I understand you now. Do you mean, when I took the contract did I have on hand all the timber to complete the whole contract?

Question. Yes, sir.

Answer. No, sir; I had not.

Question. Well; what proportion had you on hand at the navy yards?

Answer. I thought at the time that I had more than it proved to be. The inspection cut it down, and it dwindled very much. But it proved that I had about half the amount, that being the amount required for the first delivery.

Question. About half of the amount required under the contract when it was all completed?

Answer. I think so.

Question. One-half of the whole amount of timber to be delivered under the contract?

Answer. It may have been more than that.

Question. Do you recollect what amount you delivered after February in Norfolk?

Answer. I do not remember. I had another contract at the same time. On this contract to which you refer I do not remember distinctly. I think there was a deficiency of about 2,000 feet on that contract.

Question. You had another contract for the delivery of timber?

Answer. Yes, sir.

Question. Executed subsequently to this one?

Answer. Prior to this; but the delivery had not been completed; the time of delivery had not run out.

Question. Have you any existing contracts with the government at the present time?

Answer. I have some contracts that are not quite completed.

Question. Not yet completed?

Answer. Yes, sir.

Question. When were they executed?

Answer. In 1857, I think.

Question. For what navy yards?

Answer. The navy yards at New York, Philadelphia, and Norfolk, and a contract that I had at Boston, which was taken by another party and transferred to me.

Question. For the delivery of about what amount of timber in all?

Answer. I think the whole amount of these contracts are $300,000. I do not remember the exact amount. By referring to the testimony before the other committee you will find it stated there.

By the CHAIRMAN:

Question. Who were the lowest bidders for the contracts for live oak in 1857?

Answer. I was myself, for three contracts. There were four contracts, and the fourth contract was transferred to me by the lowest bidder.

Question. Who was that?

Answer. It was Brown & McIlvary, of Maine.

Question. Why was the contract not awarded to them?

Answer. It was awarded to them, and they transferred it to me subsequently.

Question. Did you or not request Mr. Toucey to give you a contract without advertising for bids? and if so, why was it not done?

Answer. I had an amount of timber to dispose of, this was in 1858, that I believed was required by the government, and which I thought should have been taken by the department; I urged the Secretary to take it, but he declined to do it, saying that he had no authority to do it. My own opinion is that he did have authority, and that he ought to have taken it.

Question. Did not the Secretary say to you that he would have the advertisements framed in such a way as to prevent competition, or words to that effect?

Answer. No, sir.

Question. What was the time fixed in the advertisement for furnishing the live-oak timber at the different navy yards?

Answer. In the contracts of 1857?

Question. Yes, sir.

Answer. That was two years.

Question. In the contracts of 1858, then?

Answer. One half of the timber was to be delivered immediately, and the other half in the February following.

Question. Have you ever before known live-oak to be furnished for the navy to be required to be delivered at the navy yards within so short a time from the acceptance of the bids?

Answer. I have not.

Question. What was the usual time specified in former advertisements for the delivery of live oak?

Answer. A year generally; sometimes two years. All this testimony was taken before the other committee.

Mr. WINSLOW. If we go on in this way I shall be compelled to have all those witnesses over again who were examined before the other committee.

The CHAIRMAN. I desire to ask but a few questions, to make this testimony fit the other.

Question. [To witness.] After the contract was awarded to you, did you deliver the timber according to the terms of the contract at the different yards?

Answer. I did virtually, I think; the timber was not delivered by the time specified in February, but it was all procured and ready for shipment, and in process of shipment.

[Mr. Winslow here requested that the witness leave the committee room for a few minutes, which he did. After some consultation in committee the witness was re-called and his examination resumed.]

By Mr. OLIN:

Question. Do you know Buxton and Lawrence, of Maine?
Answer. Yes, sir.
Question. Are they lumber dealers?
Answer. Yes, sir; I have been so informed?
Question. Did you have some conversation with these gentlemen, or either of them, prior to the time of the execution of the contracts for the delivery of this lumber at the different navy yards?
Answer. Yes, sir; I had.
Question. Do you recollect of saying to them in substance that Mr. Toucey had told you that the law prevented his giving you this contract without advertising?
Answer. I do not remember telling them so.
Question. You do not remember telling them that in effect and substance?
Answer. No, sir; I do not.
Question. Can you swear that you did not tell them so?
Answer. Will you be good enough to repeat the question.
Question. The question is whether you in substance said that Mr. Toucey had told you that the law forbade his giving the contract to you without advertising?
Answer. I may have told them that the secretary said the timber was required, but that he considered that he had no authority to take it on open purchase, that it would be necessary to advertise for proposals.
Question. Do you recollect of saying to them in the following language, or in language to this effect, that you would have the contracts or advertisements so worded as to prevent any one else from furnishing the timber?
Answer. No, sir; I did not.
Question. You swear you did not say so?
Answer. I do.
Question. Did you have any conversation with them upon the subject of what the terms of the contract would be?
Answer. [After a pause.] I conversed with them in Boston in reference to these contracts.
Question. Be precise, if you please.
Answer. I do not know as I understand the question exactly.
Question. I will repeat it again. Do you recollect having any conversation with Buxton and Lawrence, or either of them, as to what the terms of the contract would be in reference to the time of delivery?
Answer. When I saw them in Boston, the time of delivery was definitely fixed by the terms of the advertisement, so that there could have been no argument or dispute about it.
Question. Did you say to them or either of them that they were intruders, that the contract ought to be given to you, or should be given to you on account of the money you had advanced?
Answer. I think not; I could not have said so.
Question. You say you think not; can you not speak positively upon that subject?

Answer. I never have said that in my life to any man. Perhaps I ought not to go into explanations of those matters.

Question. Did you mention to them the fact that you had advanced large sums of money to aid in the election of Mr. Buchanan?

Answer. I wish to say now that I have never made any claim upon any officer of the government or any individual.

Question. Confine yourself directly to the question put to you, if you please.

Answer. If I might be allowed to say this, I have never made any claim upon any officer of the government, or stated to anybody that I made a claim upon the government, in consequence of having contributed to the cause; I never could have said that; I may have said to gentlemen that I thought the party were under oblgation to me; but as for ever making any claim in any way or manner whatever to any body, I never did.

Question. I do not care about your answering what I do not ask you. This is the idea: whether you did not state to those gentlemen, by way of complaint of their interfering to get this contract, and assign as a reason that you had expended large amounts of money to aid Mr. Buchanan's election, and that you were entitled to some consideration on that account? Did you not, in substance, use that language to them?

Answer. I would say that Mr. Lawrence, with whom I talked in Boston, said to me that he considered I was entitled to contracts, and perhaps I may have said that I thought I was, too; but as for ever making any such complaints, I never did, that I remember.

Question. Did Mr. Lawrence say that he was an intruder, or did you say that he was intruding?

Answer. I never, to my knowledge, made a complaint that he was an intruder; I do not remember anything of the kind; I remember we had a long conversation, and a great many things were said.

Question. Have you, directly or indirectly, by yourself or agent, paid or caused to be paid to any person attached to the Navy Department, or to the navy yard, any money or presents since the date of that contract?

Answer. I do not think that is a question I ought to answer, but I will answer that I have not, or, I do not know; I may have given some books to some gentlemen, some Congressional documents.

Question. Nothing else?

Answer. No, sir, nothing else; except some articles of small pecuniary value, not worth mentioning.

Mr. OLIN. (To witness.) That is all.

[The committee, after some conversation in regard to the amount of testimony taken by them upon the subject of contracts for live-oak, agreed, on motion of Mr. WINSLOW:

That this committee will use so much of the testimony taken by the Special Committee upon Naval Contracts and Expenditures, of the last Congress, as may be adapted to the purposes of this investigation.]

By Mr. WINSLOW:

Question. Did you ever have any conversation with the President of the United States with regard to this contract of yours?

Answer. I do not remember it; I may have mentioned the subject to him after the examination before the committee of the last Congress.

Question. Did you do so before obtaining the contract?

Answer. No, sir.

Question. Was there any promise to or understanding with any officer of the government, that a gratuity, or reward, or benefit in any shape or form, directly or indirectly, should be given to him for the obtaining of this contract?

Answer. No, sir.

By the CHAIRMAN:

Question. Did you not have an agent, whose services you paid a larger amount for, to attend to this matter with the department of obtaining contracts?

Answer. No, sir, I did not; I would like to say here, in explanation of the testimony of Mr. Plitt——

Mr. WINSLOW. That is all down in the testimony taken before the other committee; if there is any allusion to Plitt here, I shall have to go over this whole matter again.

No. 51.

WEDNESDAY, *May* 9, 1860.

JOSEPH GRICE called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In New York.

Question. Have you been a bidder for the delivery of live oak timber to the various navy yards in the United States?

Answer. I have, sir.

Question. How long have you been engaged in that business?

Answer. I can date as far back as 1840, on my own account.

Question. Have you ever received any contracts?

Answer. I have, sir.

Question. What is the usual time allowed by the department for delivery of timber under such contracts?

Answer. The time varies, according to the quantities of timber that are required to be delivered, from one year to three years.

Question. What is the reason for allowing so much time?

Answer. Under the old reign of the commissioners who had charge of the department, it was required that the timber should be cut during the winter season, or during the months of November, December, January, February, and March, when the sap was down. They considered that better timber than if it was cut while the sap was up; and then we could ship the timber in the spring. Their object was to get that material which would be the most durable.

Question. Was you a bidder for the contracts in 1858?

Answer. I was, sir.

Question. What were the terms of your bid, as regards prices and the time of delivery?

Answer. The terms with regard to the time of delivery were according to the advertisement; and the prices, I think, would average about $1 16 or $1 17 per cubic foot; I cannot remember exactly.

Question. Do you know how your prices compared with those of other bidders?

Answer. Yes, sir; I learned subsequently from the documents that I saw. I bid for the New York, Boston, and Portsmouth (N. H.) navy yards; and I was next to the lowest bidder for those three yards.

Question. Do you know what were the prices proposed by Mr. Swift?

Answer. I saw from the documents which were published after that time, that Mr. Swift's bids were higher than our bids were.

Question. Were they much higher?

Answer. Yes, sir; considerably higher. I was also interested in the bids of Samuel B. Grice for other yards. He bid for the Philadelphia, Norfork, and Pensacola yards, and I bid for the three eastern yards. We were interested jointly in these things.

Question. Upon what were the terms of your bid predicated?

Answer. We regulated our prices according to the shortness of the time allowed for the delivery of the timber, and the season of the year when it was required that one half of the timber should be delivered. We charged a higher rate in order to cover the increased expense of the excessive prices for freight during the winter season, over what they would be if the timber was shipped in the spring.

Question. Do you know anything about the delivery of live oak timber by Mr. Swift, under the contract of 1858?

Answer. I know that he had some timber in the yard, and he continued delivering timber all along during the spring, summer, and fall of 1859.

Question. Under these same contracts?

Answer. Yes, sir; the contracts were annulled, and given to Mr. Swift.

Question. Do you mean to say that your bid was higher than it would have been if you had had the usual time allowed for the delivery of the timber?

Answer. I do, sir.

Question. Do you not know other parties who would have bid, and have taken the contracts much lower, it the usual time had been allowed?

Answer. I have been informed that some parties declined bidding on account of the shortness of the time allowed for the delivery of the timber. They, as well as ourselves, thought it was impossible to deliver the timber in the time required, as there were only about sixteen days allowed before half of the timber was required to be delivered. It was a matter of utter impossibility to deliver it in that time.

Question. Did you not know when you put in that bid that it was utterly impossible for anybody to deliver it in the time required?

Answer. I knew it would be impossible for any one except those who had the timber on hand. No man could cut and bring timber in that short time.

Question. Did you go to work to deliver that timber as fast as you possibly could, after taking the contracts?

Answer. Yes, sir; we delivered one cargo, and had a second one ready to deliver when these contracts were annulled.

Question. Please to state your knowledge with regard to the delivery of this timber; how much time did Mr. Swift have allowed to him for delivering it, after the contract with you was annulled? Do you know whether he delivered it in a reasonable time?

Answer. Mr. Swift's contracts required one half of the timber to be delivered immediately, and the balance was to be delivered on the 1st of February, 1859. We had made arrangements to deliver our timber by the 1st of February, although we did not expect to get the first half of it there by the 1st of September; but we expected to have it there at the date of the last delivery under those contracts. I cannot state the exact time when Mr. Swift delivered this timber, although I know that he was delivering it along during the summer and fall. If the same time had been allowed to us we could have done it, and for less money than was paid for it.

Question. How much money would you have saved to the government, if you had had time and had had the knowledge that you would have time to deliver this timber, on the whole contract?

Answer. I suppose the saving would amount to some ten or twelve cents on the cubic foot.

Question. How much would that be on the whole contract?

Answer. The whole contract was something like one hundred and fifty thousand cubic feet, which would make the saving about $15,000.

Question. On what you would have delivered?

Answer. I am speaking of all the contracts. The contract with Mr. Swift was dated on the 23d of September, 1858. My brother was advised about this contract on the 6th of August by the bureau, and on the 8th or 9th of August, I think, the navy agent advised him that the contracts were ready to be executed. He executed them immediately, and they were returned to the bureau about the 14th of the month, leaving only sixteen days in which to deliver half of the timber.

Question. Was there not timber delivered under the contract with Mr. Swift that the government had no use for?

Answer. There was a description of timber called for in that contract that was rather unusual.

Question. Was that not made, in your judgment, to fit the qualities and descriptions of timber that Mr. Swift had on hand?

Answer. It was, in my judgment. I thought the description of timber in the yard corresponded with the advertisement, both as to shape and size.

By Mr. ROBINSON:

Question. Was that quality unusual?

Answer. The quality was not unusual, but the description was unusual. I never saw in my experience an advertisement of that kind before. It was peculiar in several respects.

Question. What was there about the timber that made it unusual?

Answer. In the first place, a large portion was required to be straight, and no ship can be built of straight timber. Perhaps the committee are not aware of it, but the fact is, that in the formation of a ship there are no two timbers in the ship alike; each timber varies as you go fore and aft the ship, and of course it would require crooked timber to make the bend; but this advertisement required mostly straight timber, and Mr. Swift's timber was most of it straight.

Question. Was it unfit for building ships?

Answer. I will not say that; it might be suitable for some parts of a ship; but the quantity was greater than that usually required.

Question. And the advertisement corresponded with the class of timber that Mr. Swift had in the yard?

Answer. It did, sir.

Question. You saw Mr. Swift's timber?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do not you know of a large quantity of that timber being passed over to the government without being inspected or measured?

Answer. I understood that one part of it had never been measured after the contract had been received.

By Mr. ROBINSON:

Question. You do not know anything about it of your own knowledge, then?

Answer. No, sir; I only say what I heard about it.

By the CHAIRMAN:

Question. Is there not a great deal of that timber remaining on hand that the government has no use for?

Answer. There seems to be a large pile in the yard.

Question. I mean of the same timber.

Answer. Yes, sir.

Question. When you put in your bid for that timber did you hope to deliver what the contract called for in that sixteen days, or did you think you might have some indulgence?

Answer. We did not expect to deliver it in the sixteen days, but we thought the same indulgence would be extended to us as had been in former years, and as had been extended to contractors generally, not only for live oak, but for other kinds of timber and building materials.

By Mr. ROBINSON:

Question. How many years did you say you had been engaged in that business?

Answer. My experience goes back to the year 1840?

By the CHAIRMAN:

Question. Do you know, of your own personal knowledge, of other timber than that specified that Mr. Swift had on hand being delivered to the government under this contract?

Answer. I cannot state of my own personal knowledge.

ELECTIONS, ETC.

No. 1.

WASHINGTON, D. C., *March* 22, 1860.

CORNELIUS WENDELL, called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Washington city.

Question. What is your occupation?

Answer. Printer.

Question. Have you been engaged in doing printing for the government?

Answer. I have, for the past six years.

Question. Have you been called upon to contribute largely for political purposes?

Answer. I have been asked to contribute, and have voluntarily contributed whenever, in my judgment, it would be beneficial to the party.

Question. Have you any knowledge of what amount you have contributed annually, or for the time you have been engaged in doing government work?

Answer. During the past four years I have, perhaps, contributed over one hundred thousand dollars to what might be considered party purposes.

Question. In what States was that money generally made use of?

Answer. Well, the larger part of it in Pennsylvania, I think.

Question. That is, more than half the amount?

Answer. I could not say that.

Question. To what other States than Pennsylvania have you contributed to aid the party?

Answer. I have contributed for party purposes in New York, New Jersey, Connecticut, Ohio, and Maine, I think. There may be others, but they do not occur to my mind now.

Question. Have all your contributions been in northern States?

Answer. Yes, sir. I do not remember spending a dollar politically in southern States. I have tendered contributions there, but they allowed that they did not use money as we did in the free States.

Question. You allege, then, that Pennsylvania has got half or more than half of the whole amount?

Answer. I could not say that; I think not quite half.

Question. But much more than any other State?

Answer. O, much more, by far. We thought Pennsylvania more important in 1856 than any other State, and we were desirous in 1858 of securing the State.

Question. Did you furnish money to the different districts in Pennsylvania, or to one man for all the districts?

Answer. Not entirely to one man for the different districts. I took the advice of a friend of mine, in whose judgment I confided, and sometimes gave him the money.

Question. Who was the principal agent in whom you had the most confidence in these matters?

Answer. I had no particular agent. I conversed with the leading men of the party in the State, and acted upon such information as I got from them as to where money would be most useful in producing good results.

Question. Can you give the names of the different parties to whom you have furnished money?

Answer. I would rather decline answering that question, if the committee would excuse me.

Question. It is embraced in our inquiry.

Answer. I would state that the same question has been asked me by other committees, and I have declined answering, any further than stating that I have given money to different districts. I have declined for the reason, as all gentlemen conversant with party affairs know, that there are certain things done by partisans that they do not particularly care to have their opponents know. I have said that I furnished money to A, B, and C's districts, and I certainly cannot have any objection to go as far as that now; but to detail persons, times, and amounts, I would respectfully decline. I do not wish to be considered captious at all, and if the committee insist peremptorily upon it, I am bound upon my oath to answer the question.

Question. We would fail to get a full answer to our inquiry without knowing to whom the money was paid. The resolution is carefully worded, to cover the inquiry I wish to make.

[The chairman here read to the witness the second resolution, as follows:

"*Resolved, further*, That, as the President in his letter to the Pittsburg centennary celebration of the 25th November, 1858, speaks of 'the employment of money to carry elections,' said committee shall inquire into and ascertain the amount so used in Pennsylvania, and any other State or States, in what districts it was expended, and by whom, and by whose authority it was done, and from what sources the money was derived, and report the names of the parties implicated."]

Answer. As to the sources from which the money was derived.

Question. We do not want to enquire as to the sources now; but it is necessary, to enable us to get at testimony, that we should know to whom the money went from you.

Mr. TRAIN. I would suggest that it would be well to systematize the investigation by questioning the witness in relation to one district at a time.

The CHAIRMAN (to witness:)

Question. Can you tell what amount you expended in the first dis-

trict, Colonel Florence's district, during the time you were doing government work?

Answer. I could not tell exactly; my judgment is that it was rising $3,000.

Question. In whose hands was that money put for the first district? Was it all put in the hands of one person?

Answer. No, sir; if my memory serves me, I gave Mr. Horwitz—

Question. What is his first name?

Answer. I do not know; he was the editor of a German paper; I made a little arrangement with him to bring out our German citizens; I think he is now the editor of the Pennsylvanian; I also put some money into the hands of Mr. Megargee.

Question. Which Megargee?

Answer. Sylvester J. Megargee; and I think some to Mr. Severns.

Question. What is his first name?

Answer. Joseph. My impression is that I put some in his hands.

Question. Did you furnish any directly to the member from that district?

Answer. I cannot say positively that I did furnish any to Colonel Florence; I may have given him some, but it does not occur to me now; I was paying him, as the agent or friend of the Argus, a certain stipend out of the printing; but, whether I gave to him directly for election expenses, or whether it was to him as the agent of Mr. Severns of the Argus, in whom he took a warm interest, I cannot say.

Question. Do you think of any other person in that district to whom you furnished money?

Answer. I do not now.

Question. In what year was the most of that furnished?

Answer. The great bulk of it was furnished in 1858, at the last congressional election.

Question. Do your books show the amount you furnished in 1858 in that district?

Answer. No, sir; the charges are generally against Mr. Severns, of the Argus; he was to have a certain percentage on certain government printing to sustain his paper; in the amount I mentioned I include what I have paid to sustain papers to promulgate the word; what I have given individually for expenditures in different districts for printing, bringing up voters, bands of music, and general election expenses, I could not tell where the money went to; I could say, for instance, that I put $500 in such a district; I could not follow it further.

Question. Did you not pay more than that amount to the Argus alone?

Answer. O! I paid the Argus some seven thousand and odd dollars, including what might have been used for election expenses; how much that was I could not tell exactly; my idea is that about $2,000 of the money was expended in the district, and the balance for the paper; but I could not say positively about that.

Question. Was this in 1858?

Answer. Yes, sir; about $7,000 during that summer; the aggregate

given to Mr. Severns was over $7,000, if my memory serves me; I have the figures.

Question. Who was it that made the arrangement by which he was to get that money?

Answer. Well, sir, my knowledge has been that it was through the President; I was doing all the printing here, and Mr. Rice, of the Pennsylvanian, claimed a portion of it, and then Mr. Severns did, and through friends, Mr. Bigler, Colonel Florence, and other friends; it was arranged that they should have such a percentage of the work; that I should pay them so much. The reason given was that the patronage of the city was lost, owing to the triumph of the opposition, and the papers must be sustained in some way, and, therefore, they must have a portion of this work. I paid during the year, I think, to Mr. Rice, between $11,000 and $12,000; and to Mr. Severns, including what I suppose was used for electioneering purposes, about $7,000.

Question. Two thousand dollars of which, you say, was for electioneering purposes?

Answer. I have it on my memory that it was about that; I speak now of 1858; I have said that that district has cost me $3,000, directly or indirectly, these past four years.

Question. By whom was the arrangement made to take care of these papers?

Answer. It was done by authority of the President.

Question. Had you any conversation with the President himself upon the subject?

Answer. I had, several times; I was opposed to being thus levied on; I thought I was liberal enough to spend all the money I could make out of the work, and I did not care to pay for papers; I never approved of it; it was through the instigation of partizan friends from Pennsylvania that the arrangement was finally made, by which I was to pay such a percentage to Mr. Rice, which percentage was afterwards reduced in order that Mr. Severns might have some; but the amount never was definitely settled; there was a continual struggle to get more, and I was continually resisting it; the contest waged a year, I think.

Question. Was this money paid directly to the parties, or to others for them?

Answer. It was paid on their drafts, generally; the principal mode was this: they would draw on me for thirty or sixty days, and I would accept and pay the drafts when they matured; they anticipated their payments; it was considered that it was to be paid out of the monthly bills; I rendered a bill monthly to the department.

Question. You mentioned that you might have paid Mr. Florence some money for his district in settling these matter; that was for Mr. Severns, was it?

Answer. Yes, sir; Mr. Florence was a great friend and advocate of Mr. Severns, as were Mr. Bigler and Mr. Baker for Mr. Rice; each was desirous, I presume, to keep up his own special organ.

By Mr. OLIN:

Question. Who was this Baker that you speak of?

Answer. Collector of the port of Philadelphia; he was very importunate for more; like Oliver Twist, he was always crying for more.

By the CHAIRMAN:

Question. Why was it that they made such a pressure upon you for money? Was it because you were favored with this government work?

Answer. I presume so.

Question. Had you refused to pay this money liberally, what, in your opinion, would have been the consequence?

Answer. A portion of the time Mr. Rice had the work; it was issued in his name some four or five months. I took it from him; I was the sub-agent, or contractor, if you please. The balance of the time, when it was taken from him and referred to me as the attorney of Mr. Harris, the Senate printer, I agreed to continue the payments to him, and did continue them up to, I think, October, when, in my judgment, the money could be better applied, and then I stopped.

By Mr. TRAIN:

Question. This was in 1858, was it?

Answer. Yes, sir; and I applied it, as my judgment dictated, to different districts.

By the CHAIRMAN:

Question. You stated, in substance, that the President dictated that arrangement. Did he require you to pay a certain amount each year out of your business?

Answer. He required, as I understood, that the post office blanks should be given to Mr. Rice; that I should continue the printing of them. An order was made by the Postmaster General to give the work to Mr. Rice, and I sub-contracted with him. That state of things existed, if my memory serves me, about four months. Then the order was revoked by Postmaster General Brown, and it came to me. This was in April, I think. I continued doing the work up to the time of the election of General Bowman. I sub-contracted the work, also—that portion of the work to which he looked for his pay.

Question. The question I asked you was whether the President required you to pay a definite amount out of your work each year.

Answer. He gave the work, and I contracted with Mr. Rice. He had nothing to do with the particular percentage, that I am aware of. It was a running percentage upon the work; forty-three per cent, I think, I was to pay him.

By Mr. OLIN:

Question. Do you mean forty-three per cent. of the profit?

Answer. No, sir; forty-three per cent. of the gross amount. We go by gross amounts entirely when we speak of percentage. I have been in the habit of doing the work for everybody who needs it, having the materials here, receiving or paying a percentage, as the case may be. Sometimes I am the attorney or substitute for the original party.

By the CHAIRMAN:

Question. The President was a party to that arrangement, was he?

Answer. The President was desirous that Mr. Rice and Mr. Severns should both participate in it.

Question. He was a party to the arrangement, was he?

Answer. Yes, sir; but I cannot say that he ever designated the particular amount to be paid.

Mr. ROBINSON. I think it would be well to let the witness explain the whole transaction—give all the particulars and details of it.

By the CHAIRMAN, (to witness:)

Question. Will you give a history of the position that you occupied up to the time that you sold the Union, the amounts of money you had to pay after you sold the Union, where that money came from, by whose directions the arrangement was made—whether by the President and the Cabinet, or the President, or any member of the Cabinet; who made the arrangement that made it obligatory upon you to do this?

Answer. If the committee will allow me, I will furnish them with a copy of a written detailed statement which I laid before the special committee of the Senate—Preston King's committee, it is called—which I think will be a reply to the question.

The CHAIRMAN. You will please do so, that the committee may have it at their next meeting.

FRIDAY, *March* 23, 1860.

CORNELIUS WENDELL recalled.

By the CHAIRMAN:

Question. In your examination on yesterday you told the committee to whom, so far as you recollected, the amount of money, and to whom it was paid, in the first congressional district of Pennsylvania. To what other district in Pennsylvania did you furnish money?

Answer. I contributed some in Mr. Landy's district.

Question. To whom was that paid?

Answer. I really could not say.

Question. Will your books not show?

Answer. No, sir; I do not think they will.

Question. Any other district?

Answer. Mr. Phillips's district.

Question. Can you give the names of any one in that district to whom you paid money?

Answer. I think I paid some to Mr. Sylvester J. Megargee, but I will not be positive; I really could not say, (for I was handling a great deal of money daily,) to whom I paid money.

Question. You paid some to Mr. Megargee, did you?

Answer. Yes, sir; I put some in his hands.

Question. To what other parties in Philadelphia did you pay money?

Answer. Some, I think, to Mr. Wm. H. Witte.

Question. To anybody else?

Answer. No other names occur to me now.

Question. Did you furnish money to Mr. Baker?

Answer. Do you mean the collector?

Question. Yes, sir.

Answer. I gave him $2,000 at one time, but I understood that was for the support of the Pennsylvanian. I did that through Mr. Megargee. I did a very heavy business with Mr. Megargee, in the way of stock, paper, and money, all together.

Question. Did you furnish any to any other district in Pennsylvania?

Answer. I furnished some to Mr. White's district.

Question. To whom was that paid?

Answer. That I could not say. I think I authorized some one in his district to draw on me. My impression is clear that I authorized some one to draw on me, but who it was I could not now say. I might, perhaps, find that draft. I think I could ascertain from looking over the old drafts who drew on me in White's district.

Question. Did you furnish money to more than one man in White's district?

Answer. I do not remember but one in that district.

Question. What other district?

Answer. I think Mr. Reilly's district.

Question. Do you know to whom that was paid?

Answer. My impression is that I gave a man by the name of Bull some money for Reilly's district; he was a clerk in one of the departments at one time, but I have not seen him for a year or so.

Question. What is his first name?

Answer. Indeed, I do not know. I remember his calling upon me with a *leave of absence* to *go up there electioneering*, as he said, and I gave him some money and, I think, authorized him to draw on me, or tell some one in the district to draw on me.

Question. In what other district?

Answer. I think I gave $500 for Dimmick's district, in what we knew then as the Packer district.

Question. Did you use any in Scranton's district?

Answer. If that is the Luzerne district, I have the impression that I gave to Mr. Witte something to give to some prominent partizan of that district. I have a faint recollection of giving some there. I kept no memoranda of those things, and my memory is not distinct as to details.

Question. How about my district?

Answer. What is known as the Foster district? I think I gave nothing there. My impression is that I was opposed to spending any money in that district. I thought it was bad judgment to spend any there.

Question. Was not there an effort made to have you spend some money in that district?

Answer. I think there was some talk; I think Mr. Witte and myself held some conversation about it, but I forget the details of it; my memory is distinct that my judgment was opposed to it; I think I spent no money in that district, although I am not positive.

Question. Was not there a letter handed to you asking you to attend to that district and furnish some money for it?

Answer. I have a faint recollection of reading a letter, but I could not now bring it to mind sufficiently to speak of it.

Question. Probably by refreshing your memory you can do so. Do you recollect that, before the Seaman Investigating Committee, you spoke of a letter asking for a thousand dollars for that district, and you declined to furnish it?

Answer. I have a faint idea of something of that kind across my brain, but I cannot call to mind the details now.

Question. You stated then that a letter had been handed to you asking for a thousand dollars for that district; and you said that it would not pay, or something of that kind; that you could not beat me?

Answer. My impression is that I thought there was no use throwing money away in that district, and I declined giving any; that is my impression now, although some of the money I gave might have gone there; I can say that my mind is clear that if any of the money I gave in the State went into that district it went against my judgment.

Question. The question was, was not there a letter handed to you, and you were asked to attend to it, saying a thousand dollars was wanted in that district?

Answer. I have a faint recollection that there was such a conversation; but with whom it was held does not occur to me now.

Question. Do you not recollect the statement you made to the other committee as to who handed you that letter?

Answer. I do not remember that testimony; I remember some testimony pertaining to it, but I do not remember the details sufficiently to say now.

Question. Go on and state what you recollect about it.

Answer. I have an impression of a conversation with the President upon the subject of the Foster district, in which I stated that it would be useless doing anything there; the conversation was general as to the State, and, as to the different districts, I recollect giving my opinion based upon information that I had picked up after a visit to Pennsylvania.

Question. Do you not recollect stating that he handed you a letter asking for a thousand dollars for that district, and you replied that it would not pay?

Answer. I do not remember that; it might have been so; I remember his reading different letters to me which he had in his hand, alluding to extracts from them as to probable results; but I do not bring to mind that particular thing; it might have been so; I will state in this connexion that I was very active then, and daily and nightly talking and acting politics; not being a public speaker or much of a writer, I did as much as I could in the way of giving sound advice and what contributions I felt able to give to pay the necessary expenses of elections, which are enormous in your State; it is the most costly State in the Union to us; but the details I could not give;

I would not undertake to swear to anything with direct positiveness; though some of the amounts I could remember distinctly.

Question. Do you remember the President's handing you a letter and calling your attention to it?

Answer. I remember several letters—one morning in particular; but whether there was a letter from the Foster district I cannot distinctly remember now, and yet it well might have been; I do not say it was not.

Question. As you do not recollect the amount distinctly, do you recollect Mr. Buchanan giving you a letter asking for the money?

Answer. I do not; I remember conversations I had with him at different times when he had letters; I recollect that one morning, if my memory serves me, he said "here are seven letters;" I recollect that; I have a distinct recollection that we mentioned Dewart's and Reilly's districts; what other districts those letters were from I could not say.

Question. In referring to this matter before the Seaman committee you said that if Mr. Witte had spent any of the money you gave him in my district it was against your judgment, and he ought to lose it. In his final settlement with you did he retain the money from you that he spent in my district?

Answer. That I cannot say.

Question. You then stated that you put money in Mr. Witte's hands to be used in Pennsylvania.

Answer. Yes, sir.

[After some consultation, the further examination of Mr. Wendell was postponed till Monday next, and the chairman was authorized to address a note to Hon. Preston King, requesting that the minutes of Mr. Wendell's testimony before that committee be furnished to this committee.]

MONDAY, *March* 26, 1860.

CORNELIUS WENDELL recalled.

[The witness laid before the committee a few printed pages of his testimony taken before the Senate committee, and stated that he had been unable to obtain the whole of it, but would produce the remainder as soon as he could get possession of it.]

By the CHAIRMAN:

Question. Is there any other district in Pennsylvania for which you furnished money, that is not mentioned in your testimony of Friday last?

Answer. If Mr. Jones's district is not mentioned there, his district is one; I did furnish money there.

Question. How much?

Answer. I could not say; it was for two elections, the election of 1856, and also the election of 1858; I furnished money in that district for both elections; I think as high as $1,500, at least, and perhaps more; if my memory serves me it was more, that is, for the two elections of 1856 and 1858.

Question. To whom was that money paid?

Answer. I think a part of it was paid through a draft of the treasurer of the local county committee on me, and I am not clear but I gave Mr. Jones himself some directly; but my mind is not clear on that head. I remember that the district cost me pretty heavily; my habit was to distribute some in the congressional districts, instead of giving all to the chairman of the State committee; I gave some to the chairman of the State committee directly.

Question. What was his name?

Answer. Colonel Forney was the chairman of the State committee in 1856. I recollect giving him a check for general purposes; I think a portion of the money I gave for Mr. Jones's district—the Berks county district—was paid to the money officer of the county committee, and a portion to Mr. Jones in person; but I could not distinguish the amounts.

Question. Have you those drafts or accounts?

Answer. I doubt whether I have them; I would state, to show the impossibility of distinguishing, that I would draw a check for a given amount of money and take it with me when I went to Philadelphia, or I would draw my check in Philadelphia and swap checks with some friend in Philadelphia who would give me the money for my draft on my banker here; and I would divide the money up and give it out to different parties; I would, perhaps, make a bet of $500, and give from $500 to $1,000 in different districts. But this was all mixed up so that I really could not tell exactly how it was all done, as I did not keep a minute of the details, although my books will show the entire amount I spent for party purposes. For instance, there would be an entry of a check for "$5,000 political," but I could not remember who got all that money, although I might remember $1,000 or $2,000 of it.

Question. There is one remark in your testimony of a few days ago that does not fit the others, and I want to have it explained. The question was this:

"As you do not recollect the amount distinctly, do you recollect Mr. Buchanan giving you a letter asking for the money?"

Your answer to that was—

"I do not; I remember conversations I had with him at different times," &c.

I will now ask you—Do you not recollect after your return from Philadelphia—

Mr. WINSLOW. I must object to questions being put in that way. Ask the witness what he recollects, but not in that way.

The CHAIRMAN. Then I will get at it in this way. Mr. Wendell, did you not meet Mr. Foster in Philadelphia?

Mr. WINSLOW. That form of the question is just as objectionable as the other.

Mr. OLIN, (to witness:)

Question. Do you recollect of having an interview with Mr. Foster in Philadelphia, in the summer or fall of 1858, in reference to the congressional election in his district?

Answer. I do recollect meeting him and having a conversation with him on the subject.

By Mr. WINSLOW:

Question. Will you give the particulars of the conversation?

Answer. It was general talk upon the subject of elections and our prospects.

By Mr. OLIN:

Question. And the probabilities of carrying the district?

Answer. The probabilities of carrying the district in which he was a candidate. And from the conversation, I made up my mind that that district was a gone case; I put it down among the hopeless cases.

Question. On your return to Washington, subsequently, did you see the President?

Answer. I did, sir.

Question. Did you have any conversation with him upon the subject of the election in Foster's congressional district?

Answer. I did, and informed him what my views were upon the subject. I recollect having a conversation of that kind.

Question. Did you have any conversation with him upon the subject of what, if any, money should be used in that district?

Answer. If my memory serves me, I did. I had a conversation with him, and, if my memory serves me, I told him that it would be useless to do anything in that district; that we were beaten before we commenced there.

Question. Do you recollect whether, on the occasion of that interview, he handed you any letters in reference to the condition of things in the various districts of Pennsylvania?

Answer. I do, sir; I have a recollection that he had several letters, but I could not say positively that one of them was from that district, although that among other districts was the subject of conversation. The only distinct impression I have of districts were White's and Dewart's districts. The conversation was on the subject of money for the districts, but the details I cannot get in my mind clearly as to each district. I know I had hopes of White's district at that time, but no hopes of Foster's district.

Question. Were the letters thus handed to you retained by you or handed back to him?

Answer. No, sir; I did not have one of them in my hand; they laid before him on the table, and he took them up and alluded to the district they were from, and the political character of them.

Question. Were any suggestions made to you by the President upon the subject of forwarding money to either of those districts, and if so, will you state what those suggestions were?

Answer. No, sir; I cannot say that there were any ever made. There was no money to be forwarded, that I was aware of, save what might be voluntarily given. An impression appeared to prevail among a great many gentlemen that there was a sort of fund here they could draw on to pay election expenses, which fund I knew nothing of; but that was the tenor of some of the letters he alluded to that morning. I remember my reply distinctly, "that I knew no

fund, unless it came out of the pockets of such fools as I was." I remember that very distinctly, because I had been bleeding pretty freely and was a little short and crusty about it.

Question. Do you recollect, on the occasion of your going to see the President, whether it was voluntary or were you sent for?

Answer. I was not sent for. I was up almost daily, with letters. I had a pretty extensive correspondence. I would read to him extracts from my letters and what news I had from different parts of the country where elections were about coming off. The conversations would be of a friendly political character.

Question. You state you did not take these letters in your hand. What was the occasion of these letters being alluded to and their contents read to you?

Answer. The idea was to show what the prospects were. They were letters of a general political character, as I inferred from what he told me after looking them over. He had apparently read them all over before I came into the room. They gave an idea of how the cause was progressing.

Question. Do you recollect whether, in answer or reply to any of these letters, you did send off money?

Answer. If my memory serves me, I returned to Philadelphia that evening or the next evening, with munitions. I think I returned that evening. I had returned home the evening before, and had looked after my business during the day, and went back the same evening to Philadelphia. I was backwards and forwards, pretty actively engaged in preaching the good doctrine.

By the CHAIRMAN:

Question. By "munitions" you mean money, do you?

Answer. Yes, sir.

Question. And you left the evening of the conversation with the President?

Answer. Yes, sir.

By Mr. WINSLOW:

Question. You do not wish it to be supposed that the President furnished any of the money?

Answer. No, sir, not a red; he did not bleed as I thought he ought to.

By the CHAIRMAN:

Question. Did not the President make some promise of patronage to you in the event of your bleeding freely?

Answer. Well, no, sir; I cannot say that he did. He had nothing to give in our line. I was then doing all the work. I think I was doing everything that the Executive had the control of at that time. I was making money pretty rapidly, and spending it about as fast.

Question. You spoke about making some exposé if they did not make you whole for losses sustained. What exposé was it you proposed to make?

Answer. When did I say that?

Question. In Philadelphia.

Answer. When did I propose that?
Question. The latter part of the summer.
Answer. I do not recollect it.
Question. Just reflect a moment—in connexion with their damaging you or breaking you down.
Answer. I do not remember.
Question. You do not recollect?
Answer. I do not—no, sir. I have been a little violent occasionally in some things, and have indulged in the luxury of cursing them up hill and down dale, and might, in my excitement, have said some things rather rash. I considered that I was hardly treated, and may have said some things a little rash sometimes.
Question. Did they not fail to give you the patronage they promised you?
Answer. These promises were generally by implication; not directly.
Question. Have you got any patronage or interest in any contracts since then?
Answer. No, sir. I believe they have taken away from me every bit of patronage I formerly enjoyed. There may be one or two minor departments, but not enough to make it any object. I am doing nothing for government at all now, I believe, save indirectly. Mr. Ford's work is being done on my materials, which are pretty well covered up with liens and assignments to my creditors. I may have made some remarks in regard to Bowman. He played the pious dodge on me and then swindled me. I may have said I would get after him, and I am after him pretty sharp every day.
Question. Who had the absolute control of this work?
Question. The President, as we always considered. The law gives it to the heads of the departments, but applications have been made directly to the President for it.
Question. You stated that the President directed you to make certain payments, or something of that kind. What was the expression you made use of?
Answer. "Certain arrangements;" "to make satisfactory arrangements." He never went into details and said "You shall give Rice ten thousand dollars and Severns three thousand dollars," but we were to make satisfactory arrangements, and not bother him about it.

By Mr. ROBINSON:

Question. Arrangements with Rice and Severns?
Answer. Yes, sir.

By Mr. WINSLOW:

Question. As I understand it, Rice got the work and you executed it and gave him forty-three per cent. of the amount, for a time; then you arranged it so that you got the work, and the forty-three per cent. was continued to be spent by you.
Answer. Yes, sir; and of that Severns got some as well as Rice.

By the CHAIRMAN:

Question. Who dictated that arrangement?
Answer. These gentlemen, Rice and Severns, who had their advo-

cates, prominent men in the State of Pennsylvania, and they advocated them, as they were identified with one party or the other. There was a continual struggle going on for a year. Every two or three weeks there would be efforts made. I was annoyed and disturbed by them, and I thought I would take the responsibility and cut them all off, and I did so; and the old gentleman thought he would take the responsibility and cut me off, and he did it.

Question. Do you mean that you lost the profits of the work because you would not continue to make these contributions?

Answer. No, sir; this arrangement got to be so hot and heavy that I wanted to get out of it; I proposed to sell the Union newspaper, or give it away to somebody.

Question. To whom did you make that proposition?

Answer. To the President, and also to Judge Nicholson.

Answer. Were any of the members of the cabinet consulted at that time?

Answer. No, sir; not at that time.

Question. Who were the parties in concluding the arrangement?

Answer. Judge Black was the only member of the cabinet that took an active part; I believe he drew up the papers between Bowman and myself when Bowman went into the paper; as I suggested to the honorable committee the other day, they will understand this whole matter better if they will first get my testimony before the Senate committee and look it over.

No. 5.

WEDNESDAY, *March* 28, 1860.

AUGUSTUS SCHELL called and sworn.

By Mr. TRAIN:

Question. Will you state your name, your place of residence, and your official position?

Answer. My name is Augustus Schell; I reside in the city of New York; and I am collector of customs for the United States for the district of New York.

Question. When were you appointed collector?

Answer. I was appointed collector—that is, I entered upon the duties of my office on the first of July, 1857.

Question. Were you connected with what was known as the New York Hotel fund prior to the election of 1856?

Answer. I was a member of the committee which met at the New York Hotel.

Question. Was there a fund created by the efforts of that committee?

Answer. Yes, sir.

Question. Were you the treasurer of that committee?

Answer. No, sir; I was not the treasurer.

Question. Can you state who was?

Answer. Mr. James T. Suter.

Question. Have you a list of the subscribers to that fund?

Answer. I think I have it among my papers.
Question. Will you furnish it to the committee?
Answer. I will.
Question. Is it here or in New York?
Answer. It is in New York.
Question. What amount was raised by subscription?
Answer. I cannot recollect distinctly; some $30,000 or $40,000.
Question. Where was that money expended substantially?
Answer. In different places; part of it was sent to Pennsylvania and part of it was expended in New York, both the city and State; at least I suppose so; I did not expend it myself.

Question. As the list is not here, I will ask you concerning a few names of the contributors to that fund. Was Robert J. Walker a contributor to that fund?
Answer. My impression is that he was.
Question. Can you state the amount of his contributions?
Answer. I cannot.
Question. Was George N. Sanders a contributor to it?
Answer. I am not sure whether he was a contributor or not.
Question. Was Isaac V. Fowler, the postmaster of New York city?
Answer. I think he was.
Question. Emanuel B. Hart, the surveyor?
Answer. That I cannot say.
Question. Mr. Butterworth, the superintendent of the assay office?
Answer. My impression is that he did contribute.
Question. Did Senator Slidell contribute to that fund?
Answer. I think he did.

Question. Can you state to whom the money was paid in Pennsylvania, and how?
Answer. My impression is that the money paid in Pennsylvania, or the most of it, was paid to the treasurer of their State committee?
Question. Do you recollect his name?
Answer. Mr. George Plitt.
Question. Do you know who took the money over there to him?
Answer. No, sir; I do not.
Question. Do you know how much was sent there?
Answer. I cannot state now?

Question. Will you state whether you met Mr. Buchanan prior to 1856, and had any conversation with him in relation to carrying the State of Pennsylvania, or any of the other States?

Answer. I saw Mr. Buchanan twice during the presidential campaign; once in July, at his house at Wheatland, and once in the latter part of September, or the early part of October. The conversation was general, upon political subjects, but not specific as to carrying the States.

Question. Was he made aware of what you were doing in this New York Hotel committee?
Answer. Not that I know of.
Question. Do you know whether he knew of the fact?
Answer. Not to my knowledge; I had no conversation with him upon the subject.

Question. Do you know Mr. Ward, of the Democratic National committee?

Answer. I do, very well.

Question. Had you and he any conversations with the President about the use of money in carrying elections?

Answer. No, sir; I never met Mr. Buchanan with Mr. Ward but once, and that was in July, and no reference was made then about the use of money.

Question. I understand you to say that money was expended in New York. In what districts did this committee expend money in 1858?

Answer. I had nothing to do with the matter in 1858.

Question. Now about Pennsylvania: Had Mr. James Vandyke anything to do with the distribution of this money contributed to Pennsylvania?

Answer. Not to my knowledge.

Question. Had Mr. John W. Forney?

Answer. I knew Mr. Forney as the chairman of the State Central committee. What he had to do with the expenditure of money I know not; how the money was expended I do not know; it was paid to Mr. Plitt, the treasurer.

Question. Can you state nearly the amount of money sent into Pennsylvania?

Answer. I think it was between $20,000 and $30,000; I cannot be definite in regard to that.

Question. Now, sir, coming to the elections of 1858, in New York: Was any money used by you in the elections of members of Congress of that State in 1858?

Answer. I gave money whenever I was asked to give. I took no personal interest in the election of members of Congress. I presume I contributed to various committees who had in charge different campaigns. I have no record of the amount I contributed, nor to whom I contributed.

Question. Did you contribute money to elect Mr. Kemble, in Mr. Haskin's district?

Answer. I think I gave some gentlemen $50 or $100, who asked for money to use in that district.

Question. Was it contributed to some man to be used generally, you did not know how, or was it to be used in some particular way?

Answer. I took it for granted that the person to whom I contributed it would use it to pay the expenses of some public meeting in the locality, or the printing of documents, or for purposes of that kind.

Question. Were you in consultation with Mr. Kemble, advising him as to the ways and means to defeat Mr. Haskin?

Answer. No, sir; Mr. Kemble would occasionally call in my office and state the prospects of the campaign; but I had no consultation with him.

Question. Do you know Mr. Andrews, the American candidate in that district?

Answer. I may have seen him, but did not know him particularly.

Question. Did you contribute anything to aid his canvass?

Answer. No, sir; I had no knowledge or acquaintance with him; I may have been introduced to him; I could not say I was not.

Question. Will you tell us if you know whether any money was collected from employés under you to be used to defeat Mr. Haskin?

Answer. Not to my knowledge.

Question. Did Mr. Richard Schell, with your approbation and advice, raise money to defeat Mr. Haskin?

Answer. No, sir.

Question. Was any money, to your knowledge, collected in Massachusetts to aid in the elections in New York and Pennsylvania in 1856.

Answer. I heard that there was, but I have no personal knowledge of it.

Question. Do you know Mr. W. C. N. Swift?

Answer. Yes, sir.

Question. Do you know whether he furnished any money for election purposes?

Answer. I do not. I will say here that part of this money may have been paid to Mr. Ward; as to the rest of the money, I think, as I before stated, that it went to Mr. Plitt.

Question. What is his full name?

Answer. C. L. Ward.

By Mr. WINSLOW:

Question. In regard to contributing money for elections, I suppose that is not confined to the democratic party, but all parties contribute?

Answer. Yes, sir; it would be much easier if it was confined to one party.

Question. Did you ever use any of the funds of the government for electioneering purposes?

Answer. I never have.

Question. Do you know, of your own knowledge in any way, that the President of the United States ever used any of the funds of the government, or advised its use, for electioneering purposes?

Answer. No, sir.

Question. The money you speak of was furnished by voluntary contributions?

Answer. Yes, sir; by voluntary contributions of gentlemen in the city of New York.

By Mr. TRAIN:

Question. As I understand you, you say that, so far as you know, Mr. Buchanan did not know anytning about this New York Hotel committee and its electioneering fund?

Answer. No, sir; not that I know of; I never had any conversation or correspondence with him in any way upon the subject.

By the CHAIRMAN:

Question. When will you furnish this subscription list to the committee? can you send for it?

Answer. I cannot well send for it; I can get it when I return home, and will send it on next week.

No. 5.

THURSDAY, *March* 29, 1860.

AUGUSTUS SCHELL, recalled:

The witness stated that, upon reflection, he desired to withdraw his answer to the question, if he would furnish the list of subscribers to the New York Hotel fund, and substitute the following:

Answer. I have stated my knowledge of the fact that money was contributed in the city of New York in the presidential campaign of 1856 for the purpose of aiding in the payment of the election expenses of the democratic party in the State of Pennsylvania. I do not know in very many instances the sources from whence the money was derived; individuals, who were active members of the committee, of which I was also a member, procured contributions from outside parties whose names were never reported to me; with the exception of the money contributed by myself, I am unable to state the names of the real and actual contributors of the money. I have stated the amount which was disposed of by that committee as near as I now recollect it, and I decline to indulge in conjectures as to the real sources of the contributions. The money was designed to be used in the payment of the legitimate expenses of the election in Pennsylvania, and not otherwise. I may have suspicions as to the sources of the contributions in some instances, but I decline to state such suspicions, as not being pertinent testimony under the resolution of the House of Representatives, or material to this inquiry. I am not certain that I have in my possession any list of the contributors of the moneys; but if I have such list, I must, on reflection, decline to produce it, feeling that such production, without the authority of the persons whose names may be connected with it, would involve a breach of the implied confidence recognized as existing in such cases.

By the CHAIRMAN:

Question. You stated yesterday that you had no personal interest, or something like that, in the congressional elections of 1858. I want to know whether you did not employ some persons to exert political influence in that election?

Answer. I do not recollect that I did.

Question. Did you not employ a certain James O'Reilly, 316 Eighth Avenue, New York?

Answer. No, sir; I did not.

Question. Do you know of certain parties being employed before the election, and paid ten dollars each the day after election, and then discharged?

Answer. No, sir.

Question. Did you not pay or cause to be paid to Mr. O'Reilly some money the day after the congressional election of 1858?

Answer. Not that I recollect.

By Mr. OLIN:

Question. We have here the statement of Mr. O'Reilly that he and others were employed three days before the election, and discharged the day after the election. He states that he and others were employed for the purpose of aiding in the election; that their services were procured and paid for; that they were paid at the custom-house. And he states that he himself was employed by you by reason of his ability to exert some political influence. I understand you to say that you have no recollection of such a transaction respecting him or any other persons?

Answer. I have no recollection of it.

Question. Was it a fact that a number of men were employed a few days prior to the election, and discharged very soon after?

Answer. Yes, sir; I think there were a number of men employed shortly before the election, and a number discharged afterwards.

Question. Were the same men employed shortly before the election discharged shortly after?

Answer. Some of them.

Question. About what length of time were they so employed?

Answer. I suppose some five to ten days. Persons were employed at the request of persons in New York.

Question. What was the particular occasion or necessity for employing them at that time, and for that short time?

Answer. Well, sir, I do not know of any.

Question. Was there any occasion except to give them employment at that particular time? The object was to give them employment at that particular time at the solicitation of some outside friends, was it?

Answer. I was trying to bring the matter back to my recollection. [After a pause.] I cannot recollect the particular circumstances connected with it.

Question. Can you tell about the number of hands that were employed in the custom-house shortly before and discharged shortly after the election?

Answer. I think there were some eight or ten laborers who were in the custom-house.

Question. Some eight or ten of that description?

Answer. Some eight or ten; yes, sir.

Question. Were those men excused from attendance at the custom-house during the time they were so employed?

Answer. That I do not know.

Question. You yourself did not excuse them?

Answer. No, sir; at least I think not. It is usually the custom of the storekeeper to excuse men a day at a time, reporting the fact always to me.

Question. Did you understand at the time these men, or any of them, were so employed, that they were to go into Mr. Haskin's district, and attend to the business of the election during this short employment?

Answer. No, sir.

Question. Who employed the workmen that were ordinarily em-

ployed for short intervals of time, and then discharged from the custom-house.

Answer. It was all done by my direction.

Question. Either by you or by your direction?

Answer. Yes, sir.

Question. Who was the paymaster at this time? Who paid off these hands?

Answer. Mr. S. P. Goldson, the storekeeper.

Question. Was he there in the fall of 1858?

Answer. Yes, sir.

Question. Do you recollect this man James O'Reilly?

Answer. No, sir.

Question. You have no recollection of his ever having been employed in the custom-house?

Answer. No, sir; I do not know the name.

Question. Do you recollect the names of any of the persons who you say were employed for a short period before the election, and discharged shortly after?

Answer. I do not, sir.

Question. They were not acquaintances of yours?

Answer. No, sir.

Question. Do you recollect on whose recommendation you employed them?

Answer. I think they were employed on the recommendation of gentlemen who were candidates for Congress in the city of New York, but I am not sure. Upon reflection, I think there were some seven or eight or ten of these men employed within a week before the election, and they were discharged a day or two after the election. I suppose I have a list of the names. I presume they are, of course, in the office where the payments were made. The money to pay them was contributed by myself, individually, and not charged to the government.

Question. They were not paid by Mr. Gholson, then?

Answer. They were paid by Mr. Gholson, but I paid him the money myself.

By Mr. WINSLOW.

Question. They were not paid out of the government funds?

Answer. They were not paid out of the government funds.

By Mr. OLIN.

Question. Why was the formality of employment at the custom-house gone through with, if they were not paid from the funds of the government?

Answer. I do not know, sir.

Question. Do you mean that these men were employed upon the recommendation of all the candidates for Congress, or of some of them?

Answer. All were employed, I think, at the solicitation or request of candidates for Congress.

Question. By some one or more of the candidates, or do you mean all the candidates?

Answer. No, sir; I cannot say all.

Question. Then you mean that they were employed by the solicita-

tion or request of some one or more of the candidates for Congress in the city of New York?

Answer. Yes, sir.

Question. Do you recollect particularly which of them, or who, if any of them, recommended any of these men?

Answer. I think they were principally from Mr. Ward's district.

Question. Who ran against Mr. Ward?

Answer. He was defeated by Mr. Briggs.

Question. Are you quite sure that the return of the payments to these men has not been made to the Secretary of the Treasury?

Answer. Yes, sir; I am sure of that.

Question. You are sure their names were not returned as employed and paid?

Answer. By the government? No, sir.

Question. You say that you think you have a list of their names?

Answer. Yes, sir.

Question. Have you any objection to furnishing that list?

Answer. I do not know of any now.

Question. If you will do so, I presume it would be satisfactory if you would enclose the list or a schedule of it to the chairman of this committee on your return home.

Did you give these men, who were employed in the manner you have described, to understand that they were paid by the government, or by yourself?

Answer. No, sir; I had no communication with them.

Question. Then, so far as you know, they were under the impression that they were in the employment of or to be paid by the government?

Answer. So far as I know; I had no communication with them at all.

Question. You had no communication with them to hire them?

Answer. They were assigned to labor by my direction; I do not know that I even personally saw them.

Question. You communicated with them through some agent?

Answer. I sent orders to the storekeeper to employ these men.

Question. And you directed him to make the payment to them?

Answer. Yes, sir.

Question. You refunding the money to him, or advancing it to him?

Answer. I gave him the money to pay them, or refunded it, I do not know now which.

Question. And so far as you know, no communication was made to these men by yourself or any of your agents that they were employed otherwise than by the government?

Answer. No, sir.

Question. What I wanted to get at was that they might have been honestly under the impression that they were employed by the government, instead of being paid from your own private funds. Were there not quite a number of men employed there a few days before the election who, it was thought, were to go into Mr. Haskin's district, which men were discharged soon after the election?

Answer. Not to my knowledge, sir.

Question. It could not well have been done without your knowledge?

Answer. No, sir.

Question. Can you state confidently that no transaction of that kind took place?

Answer. I am satisfied that no arrangement was made by which persons were employed in the custom-house with a view to their going into Mr. Haskin's district.

Question. And you state that within a week or ten days preceding the election only some ten persons were taken into the employment of the custom-house, and discharged within a few days after the election?

Answer. Yes, sir, I think about that number; eight or ten.

Question. You speak with a fair degree of confidence that they did not exceed twenty, thirty, forty, or fifty?

Answer. I do, sir.

By the CHAIRMAN:

Question. Do you not recollect, or have you no knowledge of, an unpleasant feeling among the men discharged the day after the election and paid off, they complaining that they thought they had been hired, and instead of that they were paid their $10 gold piece each and discharged; do you not know of a trouble of that kind?

Answer. I heard of one or two complaints, but I did not see the persons; no communication was made to me, except in one or two instances.

Question. Have you no direct knowledge of about one hundred men being taken into Mr. Haskin's district under the control of four leading men, and then brought back the day after election and paid off at the store $10 each?

Answer. No, sir, I have no knowledge of that; I never heard of it before.

Question. The reason that I put this question is, that I have the names furnished me, and I thought if you returned to New York and this testimony was brought in, it might be unfair to you to allow you no opportunity to explain.

Answer. I have no knowledge of it; I can only state, in reference to those eight or ten who were employed, they were employed upon the importunity or request of those gentlemen who were candidates, and entered upon the discharge of their duties at the store; but upon examining the list, I observed that there were eight or ten or twelve more than were necessary to properly discharge the duties. I was unwilling that they should be a tax upon the government, and I paid the money myself and discharged the men.

By Mr. WINSLOW:

Question. What is the laboring force of the custom-house; a permanent force, or is it altered according to the exigencies and the wants of the custom-house?

Answer. Previous to September last it was a floating force.

Question. You took on men when you wanted them, and discharged them when you did not want them?

Answer. Yes, sir.

Question. You say that a short time before the election, at the solicitation of certain gentlemen who were candidates for Congress, particularly Mr. Ward, you recollect you employed eight or ten persons as laborers in the storehouses, and that a day or two after the election these men were discharged in the mode you say; and that in paying them you paid them out of your own private funds, not charging it to the government?

Answer. Yes, sir.

Question. I suppose you are continually annoyed by party friends for appointments in the custom-house?

Answer. Yes, sir; we were very much, previous to the change in the mode of doing business in the public stores.

By Mr. ROBINSON:

Question. You paid these laborers out of your own pocket, for the reason that you discovered that there had been that many men employed unnecessarily?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you know Michael Reilly?

Answer. No, sir, I do not; at least I do not recollect him now.

Question. He was formerly a bookkeeper.

Answer. Yes, sir, I do recollect him now; he is a person I discharged, I recollect; but I would not know him now if I should see him.

Question. Do you know Hercules H. Jones, also a bookkeeper, who was discharged?

Answer. I have seen him, but I do not think I would know him now if I should see him.

By Mr. WINSLOW:

Question. Was he discharged too?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you recollect what he was discharged for?

Answer. I do not, sir.

Question Do you recollect of its having any connexion with a bribe being offered?

Answer. No, sir; it had no connexion with that.

Question. Do you know Legrand G. Capers?

Answer. Yes, sir; I know him very well.

Question. He was deputy collector, was he not?

Answer. Yes, sir.

Question. Is he now in office?

Answer. Yes, sir.

Question. Do you know anything about his compelling some fraudulent papers to be signed, and the matter being investigated by Mr. Guthrie?

Answer. I do not, sir.

Question. Have you any knowledge of any difficulty with regard to him being investigated by Mr. Guthrie?

Answer. Charges against Mr. Capers?

Question. Yes, sir.

Answer. I think not; I do not recollect of any; I recollect that there was an investigation of some matters connected with his department—the warehouse department—on the complaint of this Mr. Jones; an examination was had, under the direction of the Secretary of the Interior, and a report was made to him which was perfectly satisfactory.

Question. Is this Mr. Capers still retained in office?

Answer. Yes, sir.

Question. Do you know anything about the black-mailing, as it is called, of certain merchants in New York, by some parties in the employment of the custom-house?

Answer. Now in the employment?

Question. Yes, sir.

Answer. No, sir, I do not; it is against the law and against the regulations of the office, and every person who is guilty of it, to my knowledge, is removed.

Question. The reason I asked the question was that there is evidence of the kind.

Answer. Whenever any case of the kind is brought to my attention every investigation is made that it is possible to make.

Question. Upon reflection, since your testimony of yesterday, can you think of any more than the $30,000 raised by the New York hotel committee?

Answer. The amount sent to Pennsylvania was $20,000 or $30,000.

TUESDAY, *April* 3, 1860.

AUGUSTUS SCHELL, recalled.

By the CHAIRMAN:

Question. Mr. Schell, have you any knowledge of having any editors and others on the pay-roll, who receive pay from the government through your department, who render no service in the department while receiving their salary?

Answer. No sir; I know of none.

Question. Is there any editor whose name is on the pay-roll now in the custom-house who performs no duty there?

Answer. Not to my knowledge.

Question. Have you had any such at any time?

Answer. No sir; not since I have been in office.

Question. Did you, in 1856, draw a check yourself for a large amount of money in connextion with that New York hotel fund collection?

Answer. I think it very probable that I did.

Question. Do you know for how much?

Answer. I do not now.

Question. For as much as $10,000?

Answer. I do not think I gave one check for as large amount as that.

Question. How came you to give so large a check as that? Was it in expectation of raising the money off others—off men in the employ of the government?

Answer. Do you mean in 1856?

Question. Yes, sir.

Answer. No, sir; I had no expectation at that time of raising money from the government; I had nothing to do with the government at that time; I based no calculations upon contributions from government officers.

Question. Do you not recollect the amount of the largest check that you drew, and to whom it was drawn?

Answer. I do not, sir; as I stated before, the money that I paid for Pennsylvania went to Mr. Plitt, the treasurer.

Question. Was the largest check drawn in Mr. Plitt's favor?

Answer. I think it was.

Question. How came you to do that? Were you acting in the capacity of treasurer at that time?

Answer. No, sir; I was a member of the committee; the check was drawn on the fund in the hands of the treasurer.

Question. Have you any knowledge of money being collected from your employés for specific purposes in relation to elections, conventions, or anything of that kind?

Answer. Well, sir, I suppose money has been collected; I am always in the habit of contributing myself; but I never collect any myself or direct or control the collection of money of the employés in the custom-house; I always decline to participate in it in any way.

Question. Have you any knowledge of active politicians from different wards being employed a few days before the election in 1858, and directed to go into the different congressional districts and work there, and not put on duty in the public stores, and paid off after the election and discharged?

Answer. No, sir; I have no knowledge of it.

Question. Have there not been complaints made to you of persons being thrown out of employment the day after election, stating that they thought they were employed in good faith; and have not those same persons threatened you that if you did not put them on again they would expose you in the papers?

Answer. No, sir; no person ever made any threats of that sort to me.

Question. Do you recollect some persons threatening to publish that matter, and your telling them to let it be for a few days, and in the meantime putting them in the employment of the government?

Answer. No, sir.

Question. You have no recollection of it?

Answer. I have no recollection of that sort. All that has transpired in reference to the employment of persons before an election, and their discharge afterwards, was as I told you the other day when I was before the committee.

Question. Now, with regard to the subscription list to the New

York Hotel fund, have you done anything to get it since you were here?

Answer. No, sir; I have been in Washington since my first appearance here.

Question. You are aware that this committee has been invested by the House of Representatives with authority to send not only for persons but for papers. Shall I read you the resolution?

Answer. I have read the resolution.

Question. The committee, on the first day of your examination, asked you for a certain paper, and you agreed to furnish it. Had you after that any conversation with certain parties in this city that induced you to change your determination in that particular?

Answer. I do not think I was controlled by any conversations with other parties in reference to it.

Question. Had you any conversation with the President or any of the cabinet officers after you gave your first testimony here?

Answer. I had conversation with various gentlemen in the city of Washington.

Question. It is proper that you should answer that question directly. Had you any conversation with the President or some of the cabinet officers, after you gave your first testimony, in regard to that paper?

Answer. I had; but it was after I had made up my mind what course to pursue in regard to it.

Question. Had you not met with some of them before you drew up that written statement which you submitted to us on the second day of your examination?

Answer. I think I had, sir; but they knew nothing of that statement.

Question. What induced you to change your determination with regard to furnishing the committee with that paper, as you had promised to do?

Answer. For the reason stated in the statement itself, which I submitted to this committee.

Question. Are you going still to persist in refusing to furnish this committee with that paper?

Answer. Under the reasons which influenced me then I should still be bound to be governed by them.

Question. Do you say that you will not furnish the committee with that paper?

Answer. I do not wish to use any offensive or disrespectful language to the committee. I put it in the best terms that I was able in the answer that I submitted to the committee.

Question. The committee have given you abundance of time to reflect on this subject. They think they have the power to compel the production of that paper. What we want to know now is whether you are going to furnish it or not?

Answer. With all due respect to the committee, I have reflected upon it since the time of my former examination; and in my opinion the power was not given to the committee to ask for the production of a paper entirely private in its character.

Question. The committee differ with you in opinion. They desire now to know whether you will or will not furnish that paper?

Answer. I see no reason to change my opinion in reference to it.

Question. You say, then, that you will not produce that paper?

Answer. I decline to do so for the reasons I have stated, supposing it to be in my possession. I do not know even that it is, as I stated in my original examination.

By Mr. TRAIN:

Question. Have you given any directions about that paper to any persons since your former examination?

Answer. I have not.

Question. You have no knowledge that it has been taken from your custody, if it was in your custody, at the time of your former examination?

Answer. I have not.

Question. You do not decline, as I understand you, to produce that paper because you were not summoned to bring it, but because of the alleged want of power in the House of Representatives to compel you to produce a private paper?

Answer. I decline to produce it because I think this committee have no power to order the production of it, if it is in my possession.

No. 6.

THURSDAY, *April* 3, 1860.

SAM F. BUTTERWORTH called and sworn.

By Mr. TRAIN:

Question. What position do you now hold under the government?

Answer. I am superintendent of the assay office of New York.

Question. How long have you been in that position?

Answer. I was appointed in June, 1854, I think.

Question. Prior to the election of Mr. Haskin to Congress, did you make any effort to defeat his election?

Answer. In 1856?

Question. In 1858; after the passage of the Lecompton bill.

Answer. You mean this last election?

Question. Yes, sir.

Answer. I was not in his district at all during the campaign, I think.

Question. Did you send money or men there to defeat his election?

Answer. Well, sir, I can answer that question; but I beg to state, in the first place, very respectfully to the committee, that I do not think they have any right to inquire as to any disposition of my private means I may see fit to make. Having made that statement, I will go on and say that I do not recollect what money I gave for that congressional election. I am in the habit of giving money to very nearly all the congressional districts in and about the city of New York, and I do that because I think the success of the democratic party is essential to the good government of the country. As to the amount for Mr. Haskin's district, I have a recollection of handing to

some gentleman from Westchester county, I do not know how much money, but some money, to secure the election of Mr. Kemble.

Question. Mr. Kemble was the democratic candidate for Congress in that district?

Answer. Yes, sir.

Question. Was there an American candidate there?

Answer. Yes, sir; I think there was.

Question. Did you give any money to aid him in his canvass?

Answer. I do not know how my money was used; it may have been applied to aid him.

Question. Will you state whether Jackson Post, George Riley, and Peter Burkhart were employed under you in the assay office?

Answer. Yes, sir.

Question. Did you give either of those gentlemen leave of absence to go into that district and canvass the district against Mr. Haskin?

Answer. I cannot answer that question distinctly; but my practice at every election is this: to close up the assay office on the day of election.

Question. I mean prior to the election; whether you allowed them to go into the district prior to the election and work against Mr. Haskin?

Answer. I do not recollect. I have not any doubt that I did this: that at the time of the primary elections I may have given one or two men leave of absence. It is very often the case that men in the assay office apply to me for leave of absence to attend primary elections, and I give it; but what particular leave of absence was given to men employed in the assay office who resided in that district I have no recollection.

Question. Then you cannot state whether Burkhart, Riley, or Post, or any other parties in your office, had leave of absence for any considerable length of time to go into that district?

Answer. I think not for any considerable length of time.

Question. By that I mean several days.

The CHAIRMAN. One, two, or three days.

By Mr. TRAIN. Or more.

Answer. Men frequently apply for leave of absence without assigning a particular reason for it; and, if we have no particular use for them at the time, I give them leave of absence, and sometimes dock their wages for the time. The business of the assay office sometimes requires a large force—requires all the men to be promptly at their places; and then there will be intervals of a fortnight at a time, sometimes, when there is comparatively nothing to do. During that time, if any of the men apply for leave of absence, I give it to them; and I consider it wise to do so, because it is always better to have the men out of the assay office when there is nothing to do than it is to have them there; they are then beyond temptation.

Question. Then in that case, if it were better to have them away than to have them there, you would not dock their wages.

Answer. Sometimes I do, and sometimes I do not.

Question. Do you recollect whether any of these men who were al-

lowed to go into Haskin's district were kept upon the pay-roll, or were their wages docked?

Answer. I cannot say positively; but I think it probable that at a time when there was little to do in the office they were given leave of absence, and their names still kept upon the pay roll. I think that is very probable, but I cannot tell. It will not do for me to dismiss the men permanently, for then when we want them again we may not be able to find them. I have given leave of absence to half a dozen men at a time for three or four days, simply because we had no business for them in the office. But my recollection is not distinct as to any congressional districts, or the motives that induced me to grant them leave of absence.

Question. Was Mr. Browne, the present editor of the "Constitution," placed in charge of that paper at your suggestion?

Answer. No, sir.

Question. Did you introduce him to the President?

Answer. No, sir.

Question. Did you have anything to do with his coming here to take charge of that paper?

Answer. None in the world.

Question. Did you procure Mr. Browne to go into Mr. Haskin's district to influence the election?

Answer. No, sir. You ask me whether I had anything to do with his being selected as editor of the "Constitution."

Question. Yes, sir; whether it was through your influence that he came here, and was placed in that position?

Answer. I have frequently recommended Mr. Browne to various gentlemen in Washington as a man of eminent ability, a ready writer, and one whose capacity could be very well employed upon the government organ. I had frequent conversations of that sort with various gentlemen here; but I do not think he was employed at all in consequence of my recommendation. He was formerly the editor of the "Journal of Commerce," and showed very great ability in that capacity. I think he was employed simply on that account.

Question. Had you any such conversations with the President, for the purpose of procuring Mr. Browne to be employed here?

Answer. Whatever conversations I may have had with the Presiden, I regard them as private, and would not disclose them, whatever they might be. But I have no recollection of ever having had any conversations with the President upon the subject.

Question. Now, with reference to your efforts to defeat Mr. Haskin. Were they made upon any agreement between you and the President that you should be continued in your office?

Answer. No, sir; there was never any such agreement.

Question. Was there any such understanding?

Answer. None whatever; that is a base calumny, whoever circulates it. I do not hold my office by any such tenure.

Question. Pending the Kansas controversy, did you write to Mr. Haskin urging him to support the Lecompton constitution, and the policy of the President?

Answer. Do you wish me to lay before the committee my correspondence with Mr. Haskin, and his letters in reply?

Question. I do not know about that.

Answer. I have his letters here, but it is only at the request of the committee that I will exhibit them. I am perfectly willing to do that with Mr. Haskin's consent.

Question. I had not intended to ask for it; I have no objection, if the committee desire it.

Answer. I have no objection to my correspondence with Mr. Haskin in relation to Kansas, and his reply, being introduced into this testimony.

Question. My impression is, that it would be a full answer to the question if you gave us the whole of the correspondence.

Answer. The correspondence between myself and any other gentleman I regard as private, unless the gentleman himself consents to have it made public. If Mr. Haskin consents, I have no objection to have all my letters to him and his answer introduced into this testimony in relation to Kansas.

Question. Were you a subscriber to the New York Hotel fund?

Answer. In 1856?

Question. Yes, sir.

Answer. Yes, sir; I was.

Question. To what amount?

Answer. I do not know, sir.

Question. Have you any means of ascertaining?

Answer. No, sir. I give money for every presidential election, as I said before, believing that the success of the democratic party was necessary for the good government of the country. I gave money in 1856 for that presidential election, because I believed the best interests of the country required the election of a democrat and the defeat of Mr. Frémont, whom I regarded as a mere adventurer.

Question. Do you know in what manner that money was expended?

Answer. I have not the slightest idea.

Question. To whom did you pay it?

Answer. I do not now recollect.

Question. Did you pay it to the treasurer of the fund?

Answer. I think there was a treasurer of that association, and I suppose my money was paid to him, but I cannot recollect. I do not know who the treasurer was.

Question. Was Mr. Buchanan cognizant of the raising of this fund to be expended in Pennsylvania?

Answer. I do not know anything about it. I never had any conversations with the President about it, and if I had I should not state them.

Mr. TRAIN. The fact that you had no conversation with the President upon the subject is in answer to the question. The rest is not.

The WITNESS. I was speaking about private conversations.

Mr. OLIN. A witness is not exonerated from detailing private conversations, when it is necessary for justice that they should be given.

The WITNESS. I doubt the power of Congress to extort from me private conversations unless I am willing to give them.

Mr. OLIN. Congress has the same power in such a case as a court; and it is never understood as a rule of law that a witness has a right to withhold conversations, except in certain instances which the law recognizes.

The WITNESS. I had no conversation with the President upon the subject. I gave money at that election, as I would again.

By the CHAIRMAN:

Question. Can you state anything near the amount you gave? Was it $500, or more?

Answer. I think certainly it was $500, probably more.

By Mr. TRAIN:

Question. Do you know whether the President himself contributed to that fund?

Answer. I do not, sir.

Question. Were you, in 1855 or 1856, interested in certain stores at the Atlantic docks in Brooklyn, which were sold to the government?

Answer. I owned certain property in Brooklyn in 1857, which I sold to the government—some stores there.

Question. Was it while you were superintendent of the assay office?

Answer. It was.

Question. Was Senator Gwin interested in that property?

Answer. Yes, sir.

Question. Was Robert J. Walker interested in it?

Answer. No, sir.

Question. Do you know whether they owned property there at that time, which was sold to the government?

Answer. I do not know anything about it, whether they owned property there or not.

Question. Do you recollect the amount of property you sold to the government at that time?

Answer. Yes, sir.

Question. What was it?

Answer. The government had leased three stores, and the lease had a number of years unexpired to run. The sum of the rent for the number of years that the lease had to run amounted to very nearly $100,000. Mr. Guthrie, the Secretary of the Treasury, thought it wise to purchase these stores for $100,000; so that at the expiration of the lease the government would own the stores, and would have paid no more money for them than the rent would amount to. He did purchase them, as he was authorized by Congress to do. He bought them upon that principle, and with that calculation.

I will state here, with regard to Mr. Browne, no doubt I did advise him to go into Mr. Haskin's district. I advised every man who could make a good democratic speech to go there, and he was a good speaker.

By the CHAIRMAN:

Question. Do you know what amount of money altogether was raised for Pennsylvania?

Answer. I do not, indeed.

Question. Do you recollect the names of any of the contributors—any of the principal contributors?

Answer. I think that nearly every prominent democrat in New York contributed to that fund. I could not begin to name them.

Question. Do you know who the largest contributors to that fund were?

Answer. I do not. I know those who claimed the credit of being the largest contributors; but whether they gave the money or not, I never knew.

Question. Who were they?

Answer. I think that Augustus Schell and Richard Schell claimed to be the largest contributors.

Question. Do you know whether the postmaster of New York contributed to that fund?

Answer. I have no personal knowledge on the subject.

Question. Do you know anything about money being raised from the employés in any department of the government?

Answer. Only by rumor. I can answer for my office: that I have disbursed $333,000 to the employés of the assay office, and during that time (which is now about six years) they have not contributed one cent by compulsion. They have voluntarily contributed about $390—less than one-eighth of one per cent. of their salaries. I never would permit any of the committees to assess any of the employés of the assay office. On the contrary, I said that if they were receiving more compensation than they found necessary, I would diminish their compensation.

Question. Do you know who took this money, or any portion of it, to Pennsylvania?

Answer. I do not, indeed; I can only conjecture. Mr. Forney came there at one time, and I think his object was to receive the money raised by the committee. Whether it was paid to him or not I do not know.

Question. I desire a more definite answer to the inquiry relative to men going into Mr. Haskin's district. Did you not give leave of absence to some men at that time particularly, for the specific purpose of going into that district to work against Mr. Haskin?

Answer. I do not recollect anything definite about it; but I have no doubt that the men employed in the assay office, who resided in that district, had leave of absence previous to the election and during the election, for reasons that I have before stated. I have no doubt of that; but who they were, or for how many days they had leave of absence, I cannot now tell.

Question. Do you recollect whether, on this particular occasion, they continued to receive their pay?

Answer. I do not; but I think it very probable that their pay was continued. That is altogether optional with myself; I exercise my discretion as to whether their pay shall be continued or not.

WEDNESDAY, *April* 4, 1860.

AUGUSTUS SCHELL recalled.

By the CHAIRMAN:

Question. [Showing witness some manuscript.] Is this the paper containing your first answer on the second day of your examination, in which you announced your change of determination in regard to furnishing to the committee the list of contributors to the New York Hotel Fund, in 1856?

Answer. Yes, sir.

Question. Who prepared that paper?

Answer. I drafted it.

Question. Is this paper in your own handwriting?

Answer. It is. I have the draft of the paper in my pocket.

Question. Did any person advise you in regard to how that paper should be drafted?

Answer. I conversed with a gentleman upon the subject.

Question. Who was that gentleman?

Answer. I prefer not to answer.

Question. Was it the President, or any officer of the government?

Answer. It was not the President, nor any officer of the government connected with the administration.

Question. That dictated that paper?

Answer. That dictated or conferred with me about drafting that paper.

Question. Was it a member of Congress?

Answer. It was a member of Congress.

Question. Will you state who he is?

Answer. As I stated before, I prefer not to do it.

WEDNESDAY, *April* 4, 1860.

SAM F. BUTTERWORTH recalled.

By the CHAIRMAN:

Question. In giving your testimony yesterday you had a great deal to say with regard to the powers of this committee to elicit certain testimony, have you had any conversation with the President, the members of the cabinet, or other officers of the government since you came here, with regard to the powers of this committee?

Answer. I have had no conversation with the President in relation to this matter, except that at one of his public receptions he asked me if I had been examined by the Covode committee; that was all. I have not seen a member of the cabinet, I believe, except the Secretary of the Treasury; and in his house, and in the presence of three or four persons, the powers of this committee were discussed. But he gave me no advice; none whatever.

Question. Did the President say anything about it?

Answer. No, sir; not one word, except the question he asked me.

He asked in a jocular manner: "Have you been examined by the Covode committee?" I replied that I had not; and that was all.

Question. Did he make any remarks in regard to it?

Answer. None whatever. I do not think the President would venture to advise me at all upon a subject of that sort.

By Mr. WINSLOW:

Question. How many employés have you in your office?

Answer. I have at present thirty-eight; thirteen permanent and twenty-five variable.

Question. Explain what you mean by "variable?"

Answer. The permanent force, consisting of watchmen, doorkeepers, &c., has to be maintained irrespective of the amount of business. I can answer your question, probably, more completely by the following tabular statement, showing the number of employés at the United States assay office, New York, appointed by the superintendent during the successive quarters, from the commencement of operations to 1st of April, 1860, compared with the amount of business as far as indicated by the quarterly deposits:

Periods.	Ounces of gold and silver deposited.	Permanent employés.	Variable employés.
1854.—4th quarter	570,000	10	50
1855.—1st quarter	415,000	12	46
2d quarter	300,000	12	46
3d quarter	363,000	12	45
4th quarter	506,000	13	46
1856.—1st quarter	292,000	12	43
2d quarter	277,000	12	32
3d quarter	274,000	12	32
4th quarter	541,000	12	33
1857.—1st quarter	390,000	12	35
2d quarter	592,000	12	35
3d quarter	786,000	12	38
4th quarter	1,193,000	12	42
1858.—1st quarter	623,000	12	31
2d quarter	626,000	13	33
3d quarter	1,129,000	13	33
4th quarter	688,000	14	37
1859.—1st quarter	227,000	14	33
2d quarter	161,000	13	29
3d quarter	150,000	13	22
4th quarter	225,000	13	25

A permanent force of watchmen, doorkeepers, &c., has to be maintained irrespective of the amount of business. The diminution of business, when not temporary, has always been followed by a diminution of force. The number given for each quarter is the average number employed.

Question. Are you able to say what are the politics of these men?

Answer. I have in my employ members of all parties. They are

employed with reference to their integrity, ability, sagacity, and skill. I think a majority of the officers of the assay office are opposed to the democratic party. They are very skillful and scientific men.

Question. Do you ever give your employés leave of absence?

Answer. Yes, sir, frequently.

Question. Do you keep up your force all the time at the maximum, and if not, why not?

Answer. I do not; our force is necessarily variable, as I stated on yesterday. The system I pursue is to have as few men in the office as possible; never to have them there unless it is absolutely necessary. That the system has worked well is shown by the wastage account of the office. The per centage for wastage in mint operations is limited by act of Congress in adjusting accounts to $\frac{2}{1000}$ of the amount worked.

At the assay office, up to January 1, 1860, the whole amount of gold worked was.....	$89,468,490 00
On this amount the legal limit of wastage ($\frac{2}{1000}$) is...	$178,936 98
The actual wastage was, ($\frac{1.5}{100}$ of $\frac{1}{1000}$,) viz.....	13,650 67
Amount saved.....	165,286 31
Silver; whole amount worked.....	$14,759,454 72
Legal limit of wastage ($\frac{2}{1000}$).....	29,518 91
Actual wastage, ($\frac{2.5}{100}$ of $\frac{1}{1000}$,) viz.....	3,653 67
Amount saved.....	25,865 24

These two sums make $191,151 55, which was saved to the government by the care, skill, and integrity of the officers and employés of the institution, and the manner in which the men were employed and disposed of.

Question. Have you ever contributed at any time to aid in the election of Mr. Haskin to Congress?

Answer. Yes, sir, I have; I gave him money personally.

Question. At his request?

Answer. Yes, sir, at his request; I gave as many men leave of absence from the assay office in 1856, to aid his election, I have no doubt, as I gave leave of absence in 1858. In neither instance, however, were those men sent by me for the purpose of electioneering for or against him. They had my permission to leave the office at their request.

Question. Is Westchester county, New York, in his district?

Answer. Yes, sir.

Question. Do you know anything about Mr. Browne addressing the people of Westchester county, in behalf of Mr. Haskin?

Answer. Yes, sir; Mr. Brown was invited by the State central committee of New York to address the democracy of the State, and he did make addresses in counties surrounding the city of New York with ability and effect.

Question. I wish to know if, of your own knowledge, you know that the President of the United States ever used any money of the government, or any of his own money, for the purpose of influencing elections?

Answer. No, sir, I have no such knowledge.

Question. Are you aware of any corrupt use of patronage for the purpose of influencing elections?

Answer. No, sir, I am not.

By the CHAIRMAN:

Question. By your statements you seem to have done a great deal to secure the election of Mr. Haskin in 1856. Why was it that all your influence and energies were turned against him in 1858? What was it that he had done that induced you to oppose him so strongly in 1858?

Answer. He and I differed in this respect: he abandoned his party because the party was wrong in one instance; I did not think it wise to abandon the democratic party because it had been guilty of one error and go over to another party that I thought was full of errors.

Question. Was it on the Lecompton question alone that you and he differed?

Answer. I do not know what his views were; he was hostile to the administration and to the democratic party; I was not; there is where we differed; but up to the 19th of December, 1857, we were perfectly in accord in our views.

By Mr. WINSLOW:

Question. Was that after the message of the President announcing the Lecompton policy?

Answer. Yes, sir.

Question. And up to that time his opinions had not changed?

Answer. No, sir.

By Mr. ROBINSON:

Question. You regarded that Mr. Haskin had gone over to the republicans in 1858?

Answer. Yes, sir, I did; I opposed him as the republican candidate; as the candidate who was sustained by the whole republican party.

MONDAY, *April* 9, 1860.

SAM F. BUTTERWORTH recalled.

By the CHAIRMAN:

Question. Mr. Haskin, having seen portions of his letters published in the New York papers, demands that the whole of the correspondence shall be submitted to the committee, and says that he will go on to New York and bring on the letters in his possession. In that case it would be proper that you should put your letters in the hands of the committee before you go away. Have you the letters with you?

Answer. Yes, sir, I have.

Question. Do you choose to leave them with the committee?

Answer. I do not.

Question. My own opinion is that those letters will only be used in your own justification; they will not be used for any other purpose.

Answer. I am not on trial.

Question. I know that; you say you will produce these letters if Mr. Haskin will produce those he has; Mr. Haskin says he will produce his.

Answer. No; I will ask the privilege to give the committee his responses in relation to Kansas; I am entitled to that, I think; if Mr. Haskin produces extracts from my letters to show what I wrote him in relation to the Kansas policy, all I shall ask will be the opportunity to bring forward so much of his letters as relates to the same matter.

Question. You decline to leave the letters with the committee.

Answer. Yes, sir; I have never contemplated that at all.

Question. Mr. Haskin complains that portions of his letters have been published in the papers, and wants the letters produced that are in your possession.

Mr. WINSLOW. I do not know that we have anything to do with the complaints of Mr. Haskin. I do not think that we should put in the testimony, Mr. Haskin's private quarrel with Mr. Butterworth. I do not think Congress has anything to do with it. This committee is not here to vindicate Mr. Haskin. That is my judgment about it.

The WITNESS. No portions of Mr. Haskin's letters have been published by my consent, and no portion of any private letter addressed to me has been given to the public by my authority, or with my consent or my approbation. I want to add the further fact, to avoid any seeming contradiction between my testimony and that of any other gentleman, that, under an injunction of secrecy and a positive assurance that they would not be made public at all, I read portions of these letters to a gentleman, with the injunction that they should not be made public; that no use should be made of them unless they were filed with this committee, and not until then. That injunction of secrecy, I am sorry to say, has been violated.

No. 7.

WEDNESDAY, *April* 4, 1860.

JAMES O'REILEY called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In New York city.

Question. Have you been employed at any time in the custom-house in New York?

Answer. I was in the public stores.

Question. By whom were you employed?

Answer. There was a message sent to me that if I would go down there I would get employment.

Question. At what time was that?

Answer. Three days before the election; I mean three working days, not including Sunday, at the time Gen. Ward ran for Congress.

Question. The election of 1858?

Answer. Yes, sir.

Question. You say you were sent for to go down there?

Answer; Yes, sir; word was left for me to go down. I did not see the messenger who brought it.

Question. Did you go to work?

Answer. Yes, sir; I worked for a short time one day, and then I got excused until the day after election, with pay.

Question. What were you excused to do?

Answer. I believe for the purpose of going out to do what I possibly could for Gen. Ward.

Question. Are you a working politician; an active politician?

Answer. They say I am middling smart in that way, and for the last three or four years I have always been placed there to challenge the republican party.

Question. Were there many others employed in the same way that you were?

Answer. I heard that there were a good number.

Mr. WINSLOW. I object to the witness stating anything he has heard. [To the witness:] You will state what you know of your own knowledge, not what you have heard.

By the CHAIRMAN:

Question. Do you yourself know of any others having been so employed?

Answer. I do.

Question. Do you know of others having been employed from several wards in the city at that time?

Answer. I heard that there were.

Mr. WINSLOW objected to anything hearsay.

By the CHAIRMAN:

Question. What did you do when you got your leave of absence? Did you go out and work for your party?

Answer. I did, sir.

Question. And remained at that work until after the election?

Answer. Yes, sir.

Question. What then did you do? Did you go back to work in the custom-house?

Answer. The day after the election I went back.

Question. Did you go to work in the custom-house?

Answer. I did a little, for that day.

Question. Did you continue at work there?

Answer. That evening I was told that my services were no longer required.

Question. Were you paid off that evening?

Answer. No, sir.

Question. Where were you paid off, and how?

Answer. I was paid off on the Saturday evening after.

Question. By whom?
Answer. By Mr. Goldson, who always paid all the men.
Question. With the employés there?
Answer. Yes, sir, with the remainder of the men. I had to sign the pay-roll, and I received ten dollars for five days.
Question. Did you complain of that treatment?
Answer. I did.
Question. To whom did you complain?
Answer. I went to Mr. Schell in a few days after, and told him that it was a very hard case to bring me and John Ready, who lived by the side of me, to the public stores to make fools of us. I mentioned that John Ready had had a situation at two dollars a day in the navy yard, and had given it up to come to the public stores; and he and I both considered that we had been shamefully treated. He was a man of family, and had lost a good situation to go there.
Question. Was this friend of yours an active politician?
Answer. He was, sir.
Question. In the same ward with you?
Answer. Yes, sir.
Question. What did Mr. Schell then do?
Answer. I asked him if it was for our political influences that we had been taken in, or was it to make fools of us, or what was his meaning. He appeared not to be in a very good humor, and I told him that I would publish the case.
Question. Publish it how?
Answer. Publish it in the newspapers. It was a hard case, and we did not want to be made fools of in that way. He intimated to me that in a few days we would be restored again, and I was restored in a month afterwards. He told me he would appoint me in a few days again.
Question. That was when you threatened to publish him?
Answer. Yes, sir.
Question. Did he appoint you again?
Answer. He did.
Question. Did he appoint this friend of yours from the same ward?
Answer. He did.
Question. I want to know whether you and the others who were employed in this way were paid off in the regular way, with the employés?
Answer. We were paid off in the regular way, along with the employés, and we signed the same book that I always signed afterwards. We all had to sign in the book upon a Friday, for payment for our week's wages, and I had to sign the same as I always did afterwards.
Question. The same book that the other government employés signed?
Answer. Yes, sir; and I have no doubt that we were paid with the government money.
Question. Had these other men of your acquaintances rendered service in the custom-house, or did they only perform political service?
Answer. I would say that Ready was sent out along with me; we

both went out together and came back together, and were discharged together.

Question. Went out electioneering together?

Answer. Yes, sir.

Question. Were these who were employed for political purposes all in General Ward's congressional district, or were they from different congressional districts in the city?

Answer. They were from different districts, so I understand.

By Mr. WINSLOW:

Question. You are to tell only what you know of your own knowledge.

Answer. I know nothing about any except General Ward's district. I know there were three from his district that I happened to know.

By the CHAIRMAN:

Question. Three from that one district that you know?

Answer. Yes, sir.

Question. Did that third one get employment?

Answer. Yes, sir; he got in again.

Question. After your threatening to publish the matter?

Answer. Yes, sir.

Question. Do you know of a large increase of force being taken into the public stores a few days before the election?

Answer. I heard that there was.

By Mr. WINSLOW:

Question. Do you know of your own knowledge?

Answer. I do not know of my own knowledge. I have no knowledge about that but what I have heard.

By the CHAIRMAN:

Question. Did it appear to be generally understood that there was a large increase of force at that time?

Answer. Yes, sir.

Mr. WINSLOW objected to that line of inquiry.

By Mr. TRAIN:

Question. Were there any others from General Ward's district, except the three you have spoken of?

Answer. Those were all I knew.

Question. Were there any others in other districts that you yourself knew of?

Answer. I was only a few hours there, only a short time.

By Mr. ROBINSON:

Question. Who sent you out to electioneer? Who directed you to go out for that purpose?

Answer. I got notice to go down and I would be excused, and I was excused by the storekeeper.

Question. Did anybody direct you to go out and electioneer for General Ward?

Answer. I was to go down and I would be excused to go out and electioneer for General Ward.

Question. Who told you that?

Answer. I could not tell you who told me at that time, because we have a custom there to tell you you would be excused. I went out on another occasion in the same way.

Question. Who excuses the hands?

Answer. The general foreman or the storekeeper.

Question. Who was the general foreman?

Answer. A man by the name of Murphy. He was charged with robbery and discharged.

Question. Did he excuse you then, or did the storekeeper excuse you?

Answer. The storekeeper.

Question. Did the storekeeper direct you to go out and electioneer for General Ward?

Answer. I do not know whether he made use of the words or not; when I was going down I was told that I would be excused for the purpose of going out for General Ward.

Question. Told so by somebody else?

Answer. I could not say who told me.

Question. Did you go to the storekeeper and ask to be excused?

Answer. I was told to go there and I went there.

Question. Did he excuse you?

Answer. He did.

Question. And you went out to electioneer?

Answer. Yes, sir; and he knew I was going to do so.

Question. And you were paid for five days' work?

Answer. Yes, sir.

Question. How long did you work in the custom-house?

Answer. I was there the first day only a short time. I did not go down early, and was there but a short time. I got word I was to go out for General Ward, and I did go out.

Question. Then your labor did not amount to much?

Answer. What I did there was nothing.

Question. You were paid for your political services?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Were you working then to try to defeat Mr. Briggs?

Answer. Yes, sir.

Question. Where is this foreman you were speaking of?

Answer. He is in New York.

Question. What is his name?

Answer. Michael C. Murphy.

By Mr. TRAIN:

Question. Where does he live?

Answer. He lives in New York, in Greenwich street. I saw him the day I came on here.

By the CHAIRMAN:

Question. Is he the man that stole the $30,000 worth of jewelry?

Answer. Yes, sir.

Question. Are such men as that kept in office in New York?

Answer. He was kept in; and he says that he will be back again very shortly.

Question. Was he kept in after he stole this property?

Answer. He was taken up at night, and Mr. McIntire and Mr. Bixby bailed him out, as the newspapers said.

By Mr. ROBINSON:

Question. When you were talking with Mr. Schell about this matter, did you tell him that you had spent your time in electioneering?

Answer. I did.

Question. Did you tell him you had been paid?

Answer. He knew it. I do not know as I said to him that I had been paid. I made more of a point on Ready's case than my own.

Question. What I want to know is this: Did Mr. Schell object to the fact that you had spent your time in electioneering?

Answer. He did not.

By Mr. WINSLOW:

Question. Had you been in the habit before of working in the custom-house?

Answer. I was never there until then.

Question. That was the first time you went there to work?

Answer. Yes, sir.

Question. How came you to be summoned here to testify before this committee?

Answer. I thought the investigation of all the public stores would come before the public, and I wrote to Mr. Covode for that purpose.

Question. Informing him of these facts?

Answer. Yes, sir; I thought all the public stores were to be investigated. I did not know anything about anything else; but I thought this whole matter would be ripped open.

Question. Are you now in the service of the government?

Answer. No, sir.

Question. How long did you remain in the public stores?

Answer. Until the contract was made; say from about the middle of December to the middle of September.

Question. And when the contract was made the labor system and you went out?

Answer. Yes, sir; and I believe 200 or 300 went out by the same operation.

Question. Are you a democrat now?

Answer. We are not as strong democrats as we were at one time; we were all strong democrats at one time.

By Mr. TRAIN:

Question. You are one of the Mozart Hall democrats now, I suppose?

Answer. Yes, sir.

By Mr. ROBINSON:

Question. Are you voting the republican ticket now?

Answer. I am not yet awhile; but if we have such a man as Mr. Cobb put up some of us would vote against him.

Question. You did not like this contract system much?

Answer. No, sir; that contract system killed Tammany Hall. I believe that was what elected Mayor Wood.

THURSDAY, *April* 5, 1860.

CORNELIUS WENDELL recalled.

By Mr. WINSLOW:

Question. Do you not know that Mr. Rice, the proprietor of the "Pennsylvanian," was appointed on the 31st day of December, 1857, printer of the Post Office blanks, under the eleventh section of the printing act of 1852?

Answer. Yes, sir, during that month; as to the exact day I forget, but I think it was during that month.

Question. Do you not know that under that act he was as much the printer of the Post Office blanks as Mr. Harris was the printer of the Senate, or Mr. Steadman the printer of the House, with the compensation fixed by law?

Answer. Yes, sir; I should say he was the same.

Question. Will you look at this paper, and say whether it is a correct copy of the authority that Mr. Rice gave to you?

Answer. [After examining the paper,] I should think it is; I presume so.

The paper was then read, as follows:

"WASHINGTON, D. C., *December* 31, 1857.

"SIR: I have appointed C. Wendell, esq., to act as my agent in relation to Post Office blanks, &c. The orders please transmit to him, who will give them due attention.

"Very truly yours, &c.,

"W. RICE.

"Hon. A. V. BROWN."

Question. Had he not the same right to make the arrangement with you to do the work as either of the two last named gentlemen I spoke of?

Answer. The same right under the law?

Question. Yes, sir; I mean to say this: did you make an arrangement with Mr. Steadman to do the printing of the House for him?

Answer. Yes, sir.

Question. Had not Mr. Rice the same right to make an arrangement with you as Mr. Steadman had to make one?

Answer. Yes, sir; I presume he had.

Question. I understand from the testimony that you have already given that you had done the printing for Mr. Rice.

Answer. Yes, sir.

Question. And I understood from your testimony that you made an arrangement with him for forty-three cents in the dollar.

Answer. Giving him forty-three cents in the dollar; yes, sir.

Question. And that you ceased, after a time, to pay him the money under that contract, and afterwards paid a part of it to the "Argus."

Answer. Yes, sir.

Question. Did you receive any written or verbal order from the President of the United States, or the Postmaster General, to divert any portion of that money—that forty-three per cent.—from William Rice, who you say was entitled to receive it under your agreement, and pay it to the "Argus"?

Answer. No written order.

Question. Any written or verbal order?

Answer. There was a verbal understanding that Mr. Severns should participate in the forty-three per cent. In April or May, I think, following the agreement with Mr. Rice, which was in December, there was a verbal understanding that Mr. Severns, of the "Argus," should participate in this forty-three per cent. The idea was that Mr. Rice's forty-three per cent. should be reduced to twenty-one and a half per cent.

Question. Let me stop you here for a moment. Was not all that matter after you declined to go on with your arrangement with Mr. Rice?

Answer. No, sir, it was before. The idea was that Mr. Rice's share should be reduced to twenty-one and a half per cent. The other twenty-one and a half per cent. was to be divided between Mr. Severns and myself. If my memory serves me, that was the understanding. I was complaining that I got no profits from this work for sustaining the "Union," and I insisted upon having the Post Office blanks entire. It was an eternal struggle between Rice and myself who should get the profits.

By the CHAIRMAN:

Question. What do you mean by a "verbal understanding?" With whom was that understanding?

Answer. The Postmaster General; the orders came through him; but it was understood that it was by the direction of the President.

By Mr. WINSLOW:

Question. Do you mean to say that the Postmaster General gave you a verbal order to direct a portion of the money to Rice and pay it to the "Argus"?

Answer. About the time of the revocation of this order, which you have just read, which revocation, if my memory serves me, was in April or May, then this new understanding was created, that the money should be divided differently from what it formerly had been.

Question. You say that Mr. Rice had the printing of the Post Office blanks, and he transferred it to you, you to pay him 43 per cent.?

Answer. Yes, sir.

Question. That was a contract between you and Mr. Rice?

Answer. Yes, sir.

Question. Do you suppose then that the President or the Postmaster

General had the right to confiscate the money due to Mr. Rice, and hand it over to Mr. Severns? Was that a part of your contract with Rice?

Answer. No, sir; it was a violation or alteration of the contract with Rice; I looked upon it as an alteration or violation of the contract.

Question. It was not a part of the contract with Mr. Rice at the time?

Answer. No, sir; not a part of the original contract.

Question. You say that Rice claimed a portion of the proceeds of the printing through his friends, Mr. Bigler and Colonel Florence?

Answer. Colonel Florence was acting for the "Argus."

Question. Asking that you should pay him so much?

Answer. Yes, sir.

Question. Do you say that this new arrangement was made prior to the appointment of Rice?

Answer. No, sir; it was subsequent, as far as I know; I heard nothing of it prior to his appointment.

Question. Do you say that the arrangement in the case of the "Pennsylvanian" and the "Argus" was made by the President?

Answer. I always understood it so, through the Postmaster General; that conversations had been held with the President, and he had referred the matter to the Postmaster General.

Question. Did you hold any conversations with the President about the matter?

Answer. Yes, sir.

Question. Can you say that in those conversations the President made the arrangement concerning the "Argus"?

Answer. As to the details, I cannot say; the President was desirous that Rice should have something. It was a matter of frequent conversation as between the President, the Postmaster General and myself, and Mr. Rice and Governor Bigler; frequent, often.

Question. To what period do you now refer?

Answer. Anterior to the orders being issued to give the work to Rice.

Question. Would there ever have been any difficulty in this matter, do you think, if you had continued to pay Rice the 43 per cent.? Was not that the cause of the difficulties? Did not difficulties arise from the time you refused to pay Rice according to the contract?

Answer. Yes, sir; I suppose they did; he commenced a suit against me, and has a suit pending against me now for his interest.

Question. You stated that the order in favor of Rice was revoked about four months afterwards?

Answer. I did, sir.

Question. And you think it was in April?

Answer. I think it was in April or May; I am not positive as to the date.

Question. And then it came to you?

Answer. Yes, sir.

Question. Now, look at this paper—it is a copy of the order of the Postmaster General—and say if this is the order to which you refer?

Answer. [Looking at the paper.] Yes, sir; I presume this is the order.

The paper was then read as follows:

"POST OFFICE DEPARTMENT.

"In the matter of printing blanks by William Rice:

"For the purpose of incurring a more perfect inspection of the blanks printed by William Rice, under the order of the Postmaster General of 31st of December, 1857, and for the further purpose of facilitating the adjustment of the accounts for paper and for printing, it is

"*Ordered*, That Mr. Rice be permitted to turn over all orders sent him from the department since the 1st of January last to the Superintendent of Public Printing, to be adjusted and certified by him; and that hereafter all orders for blanks, to be used out of the city of Washington, be sent to said Superintendent, to be filled by him as heretofore, but so as to carry out the intent and meaning of the order of 31st December, 1857.

"AARON V. BROWN.

"*Vide* Postmaster General's office journal, vol. 41, p. 403. April 26, 1858."

Question. Do you not perceive from the face of that order that it seems to have been issued merely for the purpose of convenience, and it is expressly declared in it that the business shall be carried on "so as to carry out the intent and meaning of the order of 31st December, 1857?"

Answer. Yes, sir.

Question. And if these orders were in full force, do you think you had any right to stop payment under it, because, as you say, the money could be better expended some other way?

Answer. Perhaps I had no legal right on the face of the papers.

Question. Did you not consider that the 43 per cent. that you retained to pay Rice, the printer of the blanks, belonged to him as distinctly as to you under that contract?

Answer. Until this change—until the instant when this change, this order, was made.

Question. That is a question of construction.

Answer. No, sir; the private understanding between the President, the Postmaster General, and myself was that it should be changed; that Mr. Rice should have but 21½ per cent. instead of 43 per cent. as before; it was a private understanding.

Question. Did you claim the right to receive these orders of the Postmaster General and pay the money for electioneering purposes as your judgment dictated?

Answer. No, sir; I did not claim that right.

Question. I wish you to answer this question distinctly. Much has been said in this whole matter about the public money being used to support partisan newspapers; was there ever a dollar, to your knowledge, applied to this purpose, except a part of that which Rice was entitled to receive under his contract with you to do the printing?

Answer. I do not know of any.

Question. Do you know, or have you ever heard, and if so, from what persons, that the President had ever interferred with the heads of the executive departments in giving out the binding or any other contracts of any nature or kind whatever?

Answer. I do not know that I could say that; I could not say it.

Question. Did you, in any conversations with the President previous to the congressional elections of 1858, state to him your intention to send your money to the districts you have spoken of?

Answer. Yes, sir; I did.

Question. And did he not advise you not to do it, stating that you had better keep your money? Or what did he say?

Answer. He stated that he thought I spent too much money in politics, and that I was a fool for my pains. A very sensible remark of his, as I have found out since. Yes, sir, I can say that; it was notorious that I was in the habit of bleeding pretty freely; at least some of my friends thought so; he said I was foolish to give all my money for party purposes.

Question. Are not these [handing witness some papers] correct copies of the papers of which they purport to be copies?

Answer. [Looking at the papers.] Yes, I think they are.

The following are the papers referred to:

"POST OFFICE DEPARTMENT,
"*December* 31, 1857.

"*Ordered*, That the printing of blanks and such other printing as may be required for the use of this department, out of the city of Washington, be given to William Rice, of Philadelphia, to be executed by him until further ordered, upon the terms and conditions of the latter clause of the 11th section of the act of Congress entitled 'An act to provide for executing the public printing and establishing the prices thereof, and for other purposes,' approved August 26, 1852, and of any other act or acts of Congress relating to the same.

"AARON V. BROWN."

(December 31, 1857, Journal, vol. 40, page 593.)

PHILADELPHIA, *November* 3, 1858.

SIR: I hereby rescind the authority given by me to Cornelius Wendell, esq., to collect of the Post Office Department the money due for post office blanks.

Very respectfully, yours, &c.,

WM. RICE.

HON. A. V. BROWN.

PHILADELPHIA, *December* 2, 1858.

SIR: I hereby rescind the agreement made by me with Cornelius Wendell, to print the post office blanks under your order of 31st December, 1857.

You will please hereafter transfer to me at Philadelphia all orders for post blanks, where I will promptly and faithfully execute the same.

Yours, very respectfully,

WM. RICE.

Hon. A. V. BROWN,
Postmaster General.

By Mr. OLIN:

Question. What was the occasion, or motive, as expressed, if any, for this revocation of the contract with Mr. Rice?

Answer. In order to answer your question fully, I will have to give you a brief history of the matter. Mr. Rice was desirous of procuring a portion of the printing, to sustain the "Pennsylvanian," and Mr. Wendell was equally desirous of having it for the "Union," because the "Union" had no sustenance from Congress. The editor or proprietor of the organ generally had been the printer of one or the other house of Congress, and also had all the Executive patronage. I thought that, not being printer to either House, and having to pay the editors put upon the "Union," I was entitled to what patronage the President had, which would be about one-half of what the organ had; so that I strenuously objected to its being diverted to Mr. Rice. But I was not strong enough to sustain it. The influence of Mr. Rice, and the fact of his being the editor of the home organ of Mr. Buchanan, induced this order to give him the printing; but it was understood that I should do the work all the while. That was the understanding; although not expressed in the order, that was the verbal understanding, I making such arrangements with Mr. Rice as I could. He insisted upon fifty cents in the dollar; I protested, and finally got him down to forty-three cents in the dollar. That agreement ran along through the winter; I, chafing under it, and seeing that I was getting behind in my business, and what was left me did not support the "Union," tried to have it revoked. Mr. Severns, through his political friends, tried also to get some of it; and this order of April was issued, revoking the other, with the understanding that I should pay but thirty-three per cent., instead of forty-three per cent.; that is, pay Mr. Rice twenty-one and a half per cent. and Severns eleven and a quarter per cent. That ran along, each party still dissatisfied because he could not get it all, until just previous to the election, when I suggested to stop paying it.

By the CHAIRMAN:

Question. Suggested that to whom?

Answer. To the President; and, without any dissent from him, I took that responsibility, pending this order. There was a great deal of feeling about Rice remaining in the "Pennsylvanian."

By Mr. OLIN:

Question. As the editor?

Answer. As the editor, yes, sir. There was a great deal of feeling

in the party generally in relation to that matter, and this impression aided in getting the "Pennsylvanian" from him and placing it under the control of Mr. Baker, of the custom-house there. So far as regards the responsibility of doing this thing, I may be said to have gone in the teeth of this order; but when this revocation took place, in April, the bills, instead of being made out in Mr. Rice's name, as before, were made out in my name; at least not Mr. Rice's name. But I acting as the attorney of Mr. Harris, the bills would be issued to "C. Wendell, attorney of W. C. Harris," I having purchased Mr. Harris out in full. The law required that the printing should be done by the printer of one or the other House of Congress, unless given to some printer out of the District; and as it had been given to Mr. Rice in December and revoked in April, it reverted to me as printer *de facto* of the Senate.

Question. Prior to making the order by which Mr. Rice was authorized to print these post office blanks, was the subject canvassed whether he or you were expected to do the printing?

Answer. Yes, sir; it was understood that I was to do it.

Question. It never was contemplated, then, that he should do the printing?

Answer. No, sir; not that I was aware of. I did not contemplate it, nor did my friends.

Question. I understand you to say that the subject was mentioned that you were to do the printing and make such arrangements with Rice as you could?

Answer. Yes, sir; that was understood when the order was issued.

By the CHAIRMAN:

Question. Understood by whom?

Answer. By the parties in interest; the controlling parties, from the President down.

By Mr. OLIN:

Question. You say "the controlling parties." By that you mean those having control over Mr. Rice, making him submit to such terms as were imposed upon him, which control consisted in the right to take the contract away from him at any time?

Answer. Certainly; every one would like to keep upon fair terms with those who had control over him—the President and the Postmaster General; the Postmaster General, as in these orders, being generally the one to issue them.

Question. He was the instrument through which it was done?

Answer. Of course, always assuming that it was with the approbation of the President. I held several conversations with the President, as well as with the Postmaster General, upon the subject. They were both desirous to do something for Rice, as his importunities were incessant, as mine were, perhaps.

Question. Was it well understood by these officers of the government, in these various discussions about the arrangement in reference to the printing of the post office blanks, what the profits of the printing of these blanks were?

Answer. No, sir. I do not think that one of them knew; I did not tell them, certainly.

Question. You mean by that that they did not know precisely the amount of the profits?

Answer. No, sir, they did not.

Question. But they must have known that the profits were equal to at least forty or fifty per cent.?

Answer. Yes, sir; I stated to them myself that I would be willing, if it must go to Rice, to continue the printing and pay him $1,000 a month. But Rice insisted, for his better security, I presume, to have it go in his own name, and after a long struggle this was done. This struggle had been going on for months previous to this order being issued. I made the argument that until the term of Mr. Nicholson, who was then the printer of the Senate, had expired, the President had no right to take it away. I made as strong an argument as I could and got the printing until Mr. Harris was elected printer of the Senate, or about that time.

Question. Do you know of any other motive or reason being suggested for giving this contract to Mr. Rice, except to support him and his party organ?

Answer. None; that was Mr. Rice's reason that he "had fought, bled, and died" for the cause. I recollect that he made a strong argument of his having been indefatigable in the party cause, and that he had, therefore, as good a claim to this printing as I or anybody else had. It was a subject of many and frequent discussions between us.

By the CHAIRMAN:

Question. Was it not after it was ascertained that the amount of money going to Rice out of this printing amounted to more than was originally contemplated that this order was revoked and a portion of the profits diverted to Mr. Severns?

Answer. Yes, sir; I remember there was a great deal of discussion about that. The forty-three per cent. amounted to more than it was contemplated to give Mr. Rice.

Question. And it was after that discovery was made that a portion of it was diverted to Mr. Severns?

Answer. Yes, sir; and at the earnest solicitation of Mr. Severns.

Question. And that arrangement was dictated by whom?

Answer. By "the powers that be," sir.

Question. By what powers?

Answer. By the President and the Postmaster General, one or the other of them; one acting at the instigation of the other, as we all inferred.

Question. Did you not meet with some of the leading politicians of Pennsylvania, previous to the election of 1858—meet with them in Philadelphia, and have a consultation with them relative to carrying the elections in certain districts in that State?

Answer. I met several gentleman upon whose opinions I had great reliance, as politicians, and whose judgment I believed to be

depended upon—men whom I considered to be well posted in the politics of the State.

Question. You have stated on another occasion that after that interview with them you came home to Washington and had an interview with the President. Do you recollect at what time you came home and had that interview with the President?

Answer. I do not recollect the precise date; I was backwards and forwards every few days.

Question. How long was it after you returned home that you had this interview with the President?

Answer. I think it was the very next day. I got home in the evening, and it was the next morning, I think. I was in the habit of seeing the President very frequently then.

Question. Was that the time that you proposed to him to divert the money that you controlled—to stop the payment of it to the "Pennsylvanian" and the "Argus," and give it to other persons?

Answer. Yes, sir; and my proposition was based on what I had learned in Philadelphia of the necessity of material aid.

Question. You stated that matter to the President, did you?

Answer. I did.

Question. Did the President, or did he not, object to your giving the money that direction?

Answer. He put it off. I could not say whether be assented or dissented to it.

Question. Did he object to it?

Answer. No, sir; he did not.

Question. Was it that evening, the evening of the interview with the President, that you returned with the money to Philadelphia?

Answer. I think I returned the same evening, after the conversation with him. It must have been some fortnight previous to the election.

Question. It was the evening of the conversation that you returned to Philadelphia with the money?

Answer. Yes, sir; I remember that I hurried up my business and returned to Philadelphia immediately.

Question. Do you recollect what amount of money you took over with you at that time?

Answer. Mighty little, I remember; I borrowed some as soon as I got there. I remember borrowing some money there.

Question. You did not take the money with you, but made arrangements to get it?

Answer. I made arrangements. I borrowed before 10 o'clock in the morning the very day I got there. After I got my breakfast, I remember calling upon one gentleman.

Question. How were the payments mostly made, in money or in dratts?

Answer. Sometimes by drafts; sometimes by ready money. If my memory serves, me, I borrowed $2,000 cash, in Philadelphia, that morning. I remember paying out ready money. I had quite a large amount with me, and I recollect of paying out, several times, money, in $100 notes. The amount I do not call to mind; but I think I must have had some $2,000 or $3,000 ready money about me. Sometimes

I paid in drafts or checks. I was handling a great deal of money at that time.

Question. Did the President at any period after that time require you to fill up the contract with Rice and Severns?

Answer. Never, sir.

Question. Never required you to make whole the amount of money you had been paying to them?

Answer. No, sir.

Question. Did you not meet General Foster, my opponent, on that occasion, and have a conversation with him in reference to the chances of saving that district?

Answer. I met him; but whether on that occasion or not I could not say. I was very frequently in Philadelphia. I presume I was backwards and forwards five or six times during the month preceding the election, during the canvass. I remember I was so deeply interested that I thought I would be in Philadelphia during the canvass.

Question. Did you or not state to the President your grounds for believing that you could not carry that district after that interview?

Answer. I think I did; I talked very freely with him about different districts; from information I had picked up I was very strongly impressed with the belief that we were going to get beaten in a great many districts which he and others thought they might carry.

Question. Is your memory refreshed yet with regard to that thousand dollar letter?

Answer. It is not; I have tried to call it to mind, but I cannot recall anything tangible; there is a floating idea in my mind that there was something said about it, but what I could not testify; these conversations were about all the districts and about other States.

Question. Do you recollect the correspondence with regard to money in the districts?

Answer. I recollect talking about money.

Question. For the different districts?

Answer. Yes, sir; men desiring or writing here for aid; specialities I do not bring to mind; every gentleman that runs, or almost every gentleman, is desirous to have aid; as to every one I cannot say.

By Mr. ROBINSON:

Question. Was there any of this fund that you speak of sent to any other State except Pennsylvania to assist newpapers?

Answer. Not that I am aware of; not a dollar to my knowledge.

By Mr. WINSLOW:

Question. Do you know anything of the payment of any moneys by persons towards the aid of the republican party?

Answer. Not sufficiently in detail to say.

Question. What do you know about it?

Answer. Nothing but mere hearsay.

Question. Do you know anything else about it except by hearsay?

Answer. No, sir.

Question. Did you ever hear any one say that he had contributed money for that purpose?

Answer. I cannot say that I ever did; my position as an active democrat was such that I was not admitted to their secrets.

Question. You do not know from any person that he ever subscribed any money towards aiding the republican party?

Answer. I do not call to mind a single instance.

By Mr. ROBINSON:

Question. Were you the editor of the "Union" in 1858?

Answer. Not the editor; no, sir; I was never a writing man.

No. 8.

THURSDAY, *April* 5, 1860.

RICHARD SCHELL called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In the city and county of New York.

Question. What is your occupation?

Answer. Broker; more properly denominated "speculator."

Question. Were you one of the party that raised the New York Hotel fund in 1856 for the Pennsylvania election?

Answer. Does that inquiry come under the resolutions authorizing the appointment of this committee?

Question. Yes, sir. [The second resolution was then read to the witness.]

Answer. Yes, sir, I was one of the party.

Question. What amount did you contribute to that fund?

Answer. I am willing to answer all these questions, Mr. Chairman; I only want to know whether it is right that I should.

Question. We think so, or I would not put the question to you.

Answer. I gave my own money.

Question. What amount did you contribute to that fund?

Answer. I contributed a thousand dollars at one time.

Question. I am speaking of the fall of 1856.

Answer. Yes, sir, the fall of 1856.

Question. Do you know who was the treasurer of that fund?

Answer. I have a general impression, but I could not swear positively.

Question. Did you forward any portion of that to Pennsylvania?

Answer. No, sir.

Question. Do you know who did take it over there, or send it over there?

Answer. I do not, sir; I have a general impression, but I cannot swear positively.

Question. Did Mr. Faulkner, the chairman of the national democratic committee, call upon you and urge the necessity of raising that fund for Pennsylvania?

Answer. Mr. Faulkner, I think, had nothing to do with that fund; Mr. Faulkner called upon me probably one month before we com-

menced raising money for Pennsylvania; he left New York without doing anything.

Question. He called upon you relative to raising it, and left without doing anvthing?

Answer. Yes, sir; that is my impression.

Question. He made the suggestion to you in regard to it, did he?

Answer. Yes, sir.

Question. What did you then do, after that conversation with Mr. Faulkner, in connexion with your brother, in raising that fund?

Answer. I went, as any one else did, to meetings of the New York Hotel committee. I am not under the control of my brother; he does not control me in anything.

Question. You state that you do not know how the money was sent to Pennsylvania?

Answer. No, sir.

Question. Did Senator Slidell call upon you relative to it?

Answer. I do not think he did, sir; still he may have done so. Senator Slidell was in my office once, or twice, or three times, I think.

Question. Did you contribute at any other time that year, except the thousand dollars you have mentioned?

Answer. My impression is that I did; but I could not say the amount.

Question. How much was raised altogether for Pennsylvania?

Answer. I could not tell.

Question. Do you know how much you paid, if any, to defeat Mr. Haskin for Congress in 1858, and to elect his opponent Gouverneur Kemble?

Answer. Is that a proper question for me to answer?

Mr. WINSLOW. That is for you to determine.

The WITNESS. If the committee decide that that is a proper question for me to answer, I will answer it.

Mr. WINSLOW. I do not think it is, myself. But the majority of the committee hold differently.

The WITNESS. If the committee so decide, I am willing to answer.

The CHAIRMAN. If the resolution under which this committee are now acting is a proper one, then the question is a proper one, for the resolution is as plain as I knew how to draw it for that specific purpose.

Mr. WINSLOW. It is proper to say to you, Mr. Schell, that that question is to be taken before the House to be there settled.

The CHAIRMAN then read to the witness the second resolution, under which the committee were acting, relative to the employment of money to influence elections, &c.

The WITNESS. In regard to this matter, I will leave it to the House to determine; I am willing to answer the question whenever the House shall determine that it is proper that I should do so; I say this in good feeling, and with all respect to this committee. I have no feeling at all about answering the questions, I want you to understand; I just as lief do it as not.

The CHAIRMAN. Shall the committee decide this matter, or shall it be left to the House?

Mr. OLIN. The majority of this committee have already decided that these matters are proper subjects for their investigation, and within the scope of the resolutions under which they are acting. I understood Mr. Schell to say that he proposes not to answer the question, unless on application to the House; they shall decide that that is a proper inquiry.

The WITNESS. Yes, sir.

The CHAIRMAN. Have you reflected, Mr. Schell, that this inquiry is in relation to one of the congressional districts to which the resolution refers when it directs this committee to inquire into the raising and using of money, and how much was so raised and used in the congressional districts?

The WITNESS. Does not my answer, Mr. Chairman, that I am ready to give an answer to that question whenever the House shall so determine, cover all that? I do not wish to come in conflict with this committee at all.

The CHAIRMAN. Very well; we will not press the matter now.

Mr. OLIN. Upon what ground do you base your refusal to answer this question?

The WITNESS. Why, sir, that whatever I did, I spent my own money.

Mr. OLIN. And you base your refusal upon the ground that whatever money you spent was your own, and——

The WITNESS. And that I had the right to do with it what I pleased.

Mr. OLIN. And Congress has no business to inquire about it?

The WITNESS. Yes, sir; that is my reason.

By Mr. WINSLOW:

Question. Did you ever subscribe any money to be used corruptly in elections?

Answer. No, sir; not to my knowledge.

Question. Do you know of any corrupt use of money by the President or any officer of the government?

Answer. No, sir; I never had any conversations with any of them to that effect.

Question. You say, in answer to the question, what money you subscribed, that you decline to answer unless so ordered by the House. These subscriptions were not used for any corrupt purpose, to your knowledge?

Answer. No, sir; not to my knowledge.

Mr. OLIN. It is proper to show what the use of the money was, and then the committee or the House will determine that it was or was not a corrupt use of money.

By the CHAIRMAN:

Question. I will ask you one or two questions. Did you not raise money or contribute to the support of E. W. Andrews, the know-nothing candidate in Mr. Haskin's district?

Answer. I do not think I gave him a dollar.

Question. Towards his nomination and support, I say?

Answer. I do not think I gave him one dollar; that is my impression.

Question. Did you not pay a bill for printing to Thomas Smith?

Answer. Yes, sir.

Question. Connected with the Yonkers Herald?

Answer. I do not know what Herald or paper he was connected with. I paid him a bill of some one hundred and sixty dollars, or somewhere in that neighborhood.

Question. That was to defeat Haskin, was it not?

Answer. It was for printing.

Question. You said you had not raised or contributed money towards the defeat of Mr. Haskin, and now you say you paid a bill of one hundred and sixty dollars for printing.

Answer. I will withdraw my answer, and leave it for the House to determine whether I shall answer that question. I do so in perfect good faith.

Mr. OLIN. It is too late to do so, now that the answer has been given.

By the CHAIRMAN:

Question. Did you know that this money was used against Mr. Haskin; that Mr. Smith was working against Mr. Haskin?

Answer. I presume he was; I do not know the fact.

Question. Do you know anything about men being sent into Mr. Haskin's district to defeat him and aid in the election of Gouverneur Kemble?

Answer. No, sir; I never sent any man there, and never had anything to do with sending any man there.

By Mr. ROBINSON:

Question. I believe you stated that you know nothing of the President or any officer of the government furnishing means for carrying on elections?

Answer. No, sir; I do not know.

By Mr. TRAIN:

Question. Had you any conversation with the President in relation to this New York Hotel fund?

Answer. No, sir.

Question. At no time?

Answer. No, sir; for the first four or five times that I came to this city I was introduced to the President each time. I used to think he did not know me.

By the CHAIRMAN:

Question. Do you not know that Mr. Butterworth, the postmaster of New York, and your brother, Mr. Schell, contributed to this New York Hotel fund?

Answer. No, sir; I have not spoken to Mr. Butterworth for two years, I guess.

Question. I mean at the time this New York Hotel fund was being raised.

Answer. I know no fact connected with it. I generally do my own business in everything.

No. 11.

SATURDAY, *April* 7, 1860.

ALEX. H. EVANS called and sworn.

By Mr. TRAIN:

Question. Are you the correspondent of the New York Times?

Answer. I am, sir.

Question. Look at this copy of the New York Daily Times, of date April 5, 1860, and say if you furnished that special despatch from this city?

Answer. I did, sir.

Question. I wish to inquire of you in relation to that portion of this despatch which relates to Mr. Butterworth's testimony before the committee, and ask you of whom you obtained the information from which you made up that despatch?

The portion referred to is as follows:

"Mr. BUTTERWORTH also appeared before the committee and was informed that Mr. Haskin declined furnishing copies of his (Butterworth's) letters, but that he had no objection to his own being exhibited. Mr. Butterworth said that he would prefer his letters being produced as explanatory of Mr. Haskin's replies; but with the latter's consent the replies would be forthcoming. They were then opened and read, to the great amusement of the committee. In these letters Mr. Haskin urges Mr. Butterworth to stand by the President's Lecompton policy, and not to run after Bob Walker and Douglas. This was three weeks after the Lecompton message was communicated. In the January following he speaks of the necessity of the enabling act, and appeals to Mr. Butterworth in these words: 'Where shall I go?' It is understood that all paragraphs touching Kansas will be extracted from this correspondence and entered as part of the testimony, and Mr. Haskin may produce Mr. Butterworth's letter touching the same subject. He is to have another opportunity to do so. Some of the letters of Haskin are exceedingly rich in style, particularly one making reference to an interview the writer had with Secretary Toucey.

"The following colloquy transpired during Mr. Butterworth's examination:

"Mr. COVODE—You said yesterday you regarded some of the questions impertinent and such as the committee had no right to ask. Have you had any conversation since with the President on this point?

"Mr. BUTTERWORTH—No, sir; I have seen the President but once and that was at the public levee. He inquired if the committee had gotten through with me; that was all which passed on the subject.

"Mr. COVODE—Has the President not advised you, since you were last before the committee, that it had only certain powers and that you could refuse to answer?

"Mr. BUTTERWORTH—The President would hardly venture to advise me on that subject, after a practice of twenty years at the bar. I feel competent to determine such a question for myself. I have already stated the only conversation I had with the President since I was last before the committee.

"The witness is to appear before the committee again to-morrow to file the Kansas correspondence alluded to above."

Answer. I made up that despatch from a conversation which I had with Mr. Butterworth himself.

Question. He stated to you all the facts there stated as transpiring in the committee room?

Answer He may not have stated the facts exactly as they are there stated; but what is there is made up from conversations I had with him. I refer there to a letter, that letter I either read myself or heard read.

Question. Read to you by him?

Answer. I think I read the letter myself.

Question. Did he show it to you?

Answer. It strikes me that I read the letter.

Question. He either gave you the letter to read or read it in your presence?

Answer. Either the one or the other.

Question. Did he give you the questions and answers that follow in that despatch?

Answer. No, sir, not the forms of the questions and answers. He gave me the substance of them and I threw them into questions and answers by a little exercise of the imagination.

By the CHAIRMAN:

Question. The information was obtained from Mr. Butterworth?

Answer. Yes, sir; but the form of it there I am alone responsible for. In other words, I gave it that form to make it readable.

No. 12.

WEDNESDAY, *April* 11, 1860.

ISAAC V. FOWLER called and sworn.

By Mr. OLIN:

Question. Do you reside in the city of New York?

Answer. I do.

Question. You hold the office of postmaster of the city?

Answer. Yes, sir.

Question. How long have you held that office?

Answer. I was appointed in the spring of 1853.

Question. And reappointed to the office?

Answer. Yes, sir, by Mr. Buchanan.

Question. In the fall of 1856 were you one of several persons who were instrumental in raising a fund of money for election purposes?

Answer. I subscribed; I did not collect any money; I suppose you refer to what is called the New York Hotel fund.

Question. Yes, sir; you subscribed to that fund, did you?

Answer. I subscribed money to a fund that was raised there at the New York Hotel in the fall of 1856.

Question. Do you know about what amount was raised for that purpose?

Answer. No, sir; I do not; my connexion with it was merely the subscribing for myself; I do not know really what amount was raised?

Question. Into whose hands was the money paid by those who subscribed?

Answer. That I do not know; I gave a check for my subscription, and my impression is that I gave it to Richard Schell; that is the best of my recollection.

Question. Do you recollect about the amount of your subscription?
Answer. I subscribed one thousand dollars.
Question. At that time was Hon. John Cochrane collector of the port of New York?
Answer. He was surveyor of the port of New York at that time.
Question. Do you know whether he contributed to that fund?
Answer. I do not.
Question. Heman J. Redfield was the collector, was he?
Answer. Yes, sir; I do not think I ever saw Mr. Cochrane attending a meeting at the New York Hotel; we frequently met there, a number of gentlemen, and I do not recollect ever seeing Mr. Cochrane there.
Question. Did Mr. Redfield contribute to that fund?
Answer. I do not know.
Question. Do you know whether Mr. Brodhead, the naval officer, contributed to that fund?
Answer. I do not know, sir.
Question. Do you know anything in reference to the subscription of any other persons except your own?
Answer. No, sir, except from hearsay, and that of a very general character; I know nothing about it.
Question. Did you attend any of the meetings of this association there?
Answer. There were no meetings of a regular association; there was no regular organization or association that I am aware of; I did attend meetings of gentlemen there.
Question. What was the professed purpose for which this money was raised, or sought to be raised?
Answer. It was to—— I contributed, I do not know what other gentlemen did, for the purpose of aiding in paying the necessary expenses of conducting the campaign in Pennsylvania; there was an address prepared by Mr. Robert J. Walker, which was largely published and circulated; that expense and various other expenses were paid; what other use was made of the money I do not know; I did not have any charge of it.
Question. Was anything said as to the amount it was desirable to raise?
Answer. I do not remember anything of the kind; all I know about the money is what I have from hearsay, rumor, talk; I have no actual knowledge of the amount raised.
Question. Did you learn from any source into whose hands this money was paid?
Answer. No, sir.
Question. Or any understanding who was to take charge of it and see to its expenditure?
Answer. No, sir; I do not.

By the CHAIRMAN:

Question. Did any particular person call your attention to this matter, or make application to you?

By Mr. OLIN:

Question. Or solicit your subscription?

Answer. I cannot say; this was a matter I talked of with a number of persons. I remember conversing with Mr. Walker upon the subject, and he subscribed also to the fund.

Question. Had you frequent interviews with Mr. Buchanan about that time?

Answer. Prior to the election of 1856?

Question. Yes, sir.

Answer. I will tell you how many times I saw Mr. Buchanan. [After a pause.] I never spoke to Mr. Buchanan, prior to the election of 1856, to the best of my recollection, but once in my life, and then I was introduced to him in the State Department by Governor Marcy, just before Mr. Buchanan went to Europe. I did not call upon him when he returned to this country; I had no interviews with him; I never saw him, or spoke to him, but once, and that was at a casual meeting that I had with him in the State Department, just before he went to Europe. My acquaintance with Mr. Buchanan was very slight.

By the CHAIRMAN:

Question. Did you contribute other sums of money that fall for elections, in addition to this Pennsylvania contribution?

Answer. No, sir; I do not recollect of doing so; I always contribute something in our local elections, to defray expenses, &c.

By Mr. OLIN:

Question. Do you know whether Mr. Buchanan was made aware, about the time of the appointment of the collector, postmaster, &c., in New York, of the exertions of those men to aid his election?

Answer. I do not know anything of that sort; I had but one interview with Mr. Buchanan prior to his reappointing me.

Question. Have there been in and about your post office in New York certain persons employed about the period of elections, and discharged soon after?

Answer. There may have been cases of that sort, but I have no recollection of it now. Frequently there are persons appointed and others discharged whenever there is occasion for it.

Question. Have persons been employed there who were chiefly serviceable for their political services outside, about the period of election?

Answer. Very many of my appointments have been made as political recommendations, taking into consideration, however, the qualifications of the persons for the offices they were to fill.

Question. Have any men been appointed there whose services were chiefly and only serviceable as politicians to aid in elections, and discharged subsequently to the election?

Answer. No, sir.

Question. No instance of that kind?

Answer. I do not recollect any at all.

Question. Do you pay the men who were employed there?

Answer. Yes, sir.

Question. All of them?

Answer. Yes, sir.

Question. When I ask you that question, I mean to ask whether you pay them yourself, or through the instrumentality of some other person?

Answer. I do it through my officer, through the cashier.

Question. Has there not been a class of persons who have been paid by yourself, as distinguished from your cashier?

Answer. There have been a few instances of that kind, but not paid as clerks. They are not paid by the post office; there are persons who have received money, but not through the post office.

Question. Paid out of your own private funds?

Answer. Partly, and partly from a fund contributed by others.

Question. Was the formality of an employment gone through with? Were they ostensibly in the employment of the government?

Answer. I do not remember any such case.

Question. Were any persons employed at the post office, since you have been postmaster, who have been sent around through the various wards as politicians, to aid in elections?

Answer. During an election, or about the time of an election, when I could consistently do so, I have given leave of absence to some of the clerks.

Question. Have any persons been nominally employed as clerks about that period, and given leave of absence, and then discharged soon afterwards?

Answer. There have been no persons employed in that way, to my recollection; that is, who were appointed clerks, or who were appointed at all in the department. There are persons who have received money through me who have said, as I have been informed, that they were appointed and were employed in the post office.

Question. The idea I wish to get at is this: whether these persons so employed had any reason to suppose that they were under a private arrangement with you, or were in the employ of the government? Whether they had any reason, or, in other words, whether they knew that they received their compensation from you instead of the government?

Answer. I have been told that persons have said that they were employed. They came to me for appointments, asked me for appointments, &c., but I did not appoint them. They said that they were appointed. I did, however, give them money.

Question. You did give them money?

Answer. I did not give them money belonging to government at all, but money from another source.

Question. In consideration of their discharging certain political services?

Answer. Yes, sir; I paid them for their time.

Question. Did you apprise these individuals that the money you were paying them was not the money of the government, but your own? Did they, in fact, know that they were not in the employ of the government, but in your employ?

Answer. I do not know what they thought.

[Mr. WINSLOW here appeared and protested against the examination of witnesses while he was obliged to be absent.]

Mr. OLIN stated that it was only at the urgent request of the witness that his examination had been commenced; but if Mr. W. felt any great solicitation about it the examination would be suspended until such time as he (Mr. W.) could be present.

Mr. WINSLOW said the only solicitation he felt was about his own reputation.

After some consultation,

The committee took a recess until 12 o'clock m.

At 12.40 p. m. the committee was again called to order, and the examination of the witness was resumed, and continued as follows:

By Mr. OLIN:

Question. Can you tell me the number of persons ordinarily employed at the post office in New York?

Answer. I cannot, without reference to the books of the office.

Question. I understand that there are a variety of persons employed there whose names do not appear in this blue book. [Referring to one before him.]

Answer. That is not so.

Question. Have you looked at this blue book carefully?

Answer. No, sir; but I do not see how that can he, if it gives, as it professes, the names of the persons employed. This book [referring to one on the table] only gives a list of the postmasters.

Question. Can you tell me about the number of persons employed in your office, appointed by yourself?

Answer. Do you wish to include the carriers?

Question. Yes, sir.

Answer. You mean every person employed in the office?

Question. All connected with the department, appointed by yourself.

Answer. I should think there must be about 300. I can tell you exactly by the returns of the office. By my books at the office I can give you the exact number to put in my testimony, if you wish.

Question. What limitation is there by law or the regulations of the department, as to the number of persons to be employed?

Answer. I am not aware that there is any by law. It is in the discretion of the postmaster to employ what force is necessary to do the work, subject to the approval of the department.

Question. Is there any limitation as to the salary to be given?

Answer. Yes, sir; there is a gross amount allowed. The whole amount of the pay-roll is not to exceed a certain sum; there is an order of the department to that effect.

Question. Do you recollect what that sum is?

Answer. About $16,000 a month. I can give you the exact figures if you wish.

Question. Has it ordinarily gone up to that limitation? Has the salaries of the number of persons paid about equalled the limitation?

Answer. Yes, sir.

Question. What other source of revenue is there to the Post Office Department in New York, except the postages on letters?

Answer. There is the carriers' fund. Persons pay a compensation for all letters delivered to them at their places of business, and the carriers are paid by law two cents for the delivery of each letter.

Question. And is that paid out of the general fund?

Answer. It is paid out of what they collect.

Question. Do they collect that of the persons to whom the letters are delivered?

Answer. Yes, sir; then from that there are paid certain expenses connected with the carriers' department. One cent is taken by each carrier and the other penny is paid into a common fund, and from that fund certain expenses incident to the carriers' system are paid; after they are paid the balance is divided equally among all the carriers. The reason for that provision, which was made some years ago, is that when we increased the number of deliveries in the city of New York to four a day, the rounds of some of the carriers yielded them a very small compensation, and it was made up to them in this way. Instead of being paid a salary, or being paid equally, the law gives to the carriers the money they collect for the delivery of letters. In some parts of the city some of the rounds, as they are called, or the carriers' walks or districts, as it might be expressed, are much more valuable than others; that is, a carrier on one of the rounds would deliver a great many more letters than a carrier on another round in a different part of the city, and yet he will actually do no more real work.

By Mr. WINSLOW:

Question. They are paid upon the basis of actual labor and a division of the profits?

Answer. Yes, sir.

By Mr. OLIN:

Question. Is there any other source of revenue? What about the boxes?

Answer. The box revenue is about $25,000 or $26,000 a year; $25,000 a year I believe it is.

Question. Have you enumerated all the sources of revenue?

Answer. There are several other little things that are accounted for to the department. I think there is some item of waste paper, things of that kind; I do not remember exactly.

Question. Items of waste paper that is sold and the proceeds accounted for to the department?

Answer. Yes, sir.

Question. I have a communication here which I do not very well understand, and I would like to make some enquiries of you to see if you can explain it.

Mr. WINSLOW. I object to any communications going upon the record.

Mr. OLIN. I will read the communication to the witness, or so much of it as may be necessary to enable me to frame my question properly, but the reporter need not take it down.

[Mr. OLIN then read a portion of the letter to the witness, after which he proceeded with his examination as follows:]

Question. What is meant by the "foreign letter knock-down?"

Answer. I do not know; the foreign letter department is under the charge of a gentleman who has been there a great many years, and who stands very high in the estimation of the business men of the community.

Question. What is his name?

Answer. Mr. George G. Coffin.

Question. What is the particular duty or province of that department of the post office?

Answer. It is the making up and distributing of the foreign mails; there is what is called "the foreign room," where the foreign mails are made up and distributed.

Question. That is not under your supervision at all, then?

Answer. It is under my supervision; that is, it is in the post office, and I am the postmaster; but it is under the direction of this gentleman I mentioned; he has assigned to him a certain number of clerks; It is a bureau, if you may so term it; it is not a matter to which I give my personal attention at all.

Question. What moneyed transactions are connected with that department?

Answer. Almost all the foreign letters, or on many of them, you pay the postage; on some you prepay the postage or not, as you please; the regulations ot that matter are being constantly changed by postal conventions and treaties between other countries and this, and stamps are not entirely used there, but some of the postages are paid in money, which money is received at the delivery windows.

Question. And then the mails are delivered to steamers for transportation, of course?

Answer. Foreign mails are all sent by steamers, of course.

Question. Are they sent under contract by the government with particular lines, or is that matter under the direction of the postmaster?

Answer. All our foreign mails are sent by steamers under directions from the departments.

Question. And the cost of transportation is defrayed by the postages, is it not?

Answer. In some instances they receive the postages; formerly there was a contract; government paid so much, but that was abandoned and other arrangements have been made.

Question. And are these steamers that take these mails now such and such only as are designated by the department, or by some officer of the department?

Answer. Such only as are designated by the department; we correspond with the department and receive directions and send the mails by such steamers as they direct.

Question. Are these directions given on the sailing of each steamer?

Answer. There are regular lines; we send mails by the Cunard line; then there is a line of propellers running from New York, we send mails by them; and we send mails out by the Vanderbilt steamers

when he sends them; all these are under the direction of the department here.

Question. So in no instance do you or any officer under you designate the particular steamship that shall take the foreign mails?

Answer. I do not know as we have ever had any power of that kind, or ever exercised it but once, when discretionary power was given us, and that was about the time of the breaking up of some mail line two years ago; but my memory is very indistinct in regard to that matter; I will endeavor, if you wish, to obtain full and correct information upon that subject.

Question. I confess myself entirely ignorant of the manner of transacting that business, and I wanted to learn from you the manner of doing it, under what authority or direction it was done.

Answer. Under the authority of the department.

By Mr. WINSLOW:

Question. I understand you to say that formerly certain steamship lines were subsidized.

Answer. Exactly.

Question. And since that was broken up, the department direct certain steamers by which the mails are sent?

Answer. Yes, sir; the mails are made up for such a steamer; advertisements are prepared and put up in the post office that mails will be made up and sent by such steamers on such days.

Question. That matter you say is under the direction of the General Post Office Department?

Answer. Entirely?

By Mr. OLIN:

Question. I questioned you, some time since, about a point to which I will again call your attention. You said, as I understood you before, that in the interview you had with the President no allusion was made to the services you had performed or the moneys you had expended while in office; that at the time the subject of your reappointment was discussed with the President nothing of the kind was mentioned—no allusion was made to it whatever.

Answer. Your other question was a general question, including other appointments. Now you want to know whether I made any allusion to it in my interview with him in relation to my appointment?

Question. Yes, sir.

Answer. I do not think I made any allusion to it, or any statement about it whatever to him when I asked him to reappoint me. I am confident I could not have said anything about my contributing anything towards the election; I am very confident I did not.

Question. The subject of the generous contributions you had made was not spoken of?

Answer. No, sir; there was nothing said at that interview in reference to that, at all. The conversation was a very brief one, and the talking was pretty much all on my side. I simply asked for my

reappointment, as any other gentleman would have done under the circumstances.

Question. Is there a pay-roll made up and certified to the department from your office?

Answer. Yes, sir.

Question. And sworn to?

Answer. Not sworn to, but certified to?

Question. How frequently is that done?

Answer. These pay-rolls are sent in quarterly.

Question. Every three months?

Answer. Yes, sir.

Question. Does that pay-roll contain a list of all the persons employed in your office?

Answer. All who are paid salaries. There is another roll which goes from the carrier's department, which is signed by the carriers; they are not salaried officers. All those who are paid salaries are mentioned by name on the roll.

By Mr. WINSLOW:

Question. You have chosen to answer voluntarily—for I do not think you are compelled to do so—the question as to how much you subscribed to the New York Hotel fund. You say you subscribed a thousand dollars. I want to ask you whether that was your own money or the money of the government?

Answer. It was not the money of the government.

Question. I will ask you if you made that subscription at the request or the instance of the President of the United States?

Answer. No, sir; never.

Question. It was a voluntary contribution on your part?

Answer. Yes, sir.

Question. Do you know of any federal officer who subscribed money at the request of the President of the United States?

Answer. No, sir.

Question. Or who used any of the government funds at the request or instance of the President of the United States?

Answer. No, sir.

Question. You say that to the best of your knowledge you never advised the President that you made that subscription?

Answer. I am very confident that I never have.

Question. Do you know anything about the amount of money subscribed by the republican party for the election of John C. Frémont?

Answer. Only by general rumor. I suppose that money is always contributed by individuals of all parties for elections.

Question. You have referred, in your testimony, to persons whom you have paid for political services. I wish to ask you whether those persons were paid by you at the instance or request or the knowledge of the President of the United States?

Answer. No, sir; they were not.

Question. Or of any member of the Cabinet, or any other officer of the government?

Answer. No, sir; they were not.

Question. It was entirely by your own voluntary act?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Have you any knowledge of contributions being raised off your employés for political purposes?

By Mr. WINSLOW:

Question. State what you know of your own knowledge.
Answer. Money has been contributed by the employés in the post office for political purposes.

By the CHAIRMAN:

Question. As a general thing? As a general rule?
Answer. It is a general thing that they pay to the democratic organization something every year—once a year.
Question. Are there any editors of newspapers or other persons receiving pay from your department not rendering service in the office?
Answer. No, sir, there is not.

By Mr. TRAIN:

Question. Is this amount which your employés pay per annum a *pro rata* or percentage on their salaries, or how is it arranged?
Answer. I cannot tell you; I do not collect it or assist at all, or have anything to do with it; it is a matter between them and the organization of the party.
Question. Do you know who does collect it?
Answer. Some one appointed by the general committee of the county as it is termed; they go around and collect moneys from different persons; they are appointed by the committee under the direction of what is termed the finance committee; that is all I know of the matter.

By Mr. WINSLOW:

Question. You speak of the employés contributing as a general thing for political purposes; I wish to ask you if there is any order or regulation of the post office in New York held *in terrorum* over these men to make them contribute?
Answer. No, sir.
Question. Is it in pursuance of any instruction of the President of the United States or the Postmaster General, or any officer of the government that these men are assessed in this way.
Answer. No, sir.

ISAAC V. FOWLER.

The witness subsequently made the following statement:

"I desire to make one or two explanations of part of my testimony in ordér to prevent any misunderstanding.

"I stated the entire number of 'persons connected with the department appointed by myself' to be about three hundred. On reading the testimony over I am led to believe that you wished to know the

number of all persons employed in any capacity in and about the post office.

"There are in all three hundred and sixty-four persons who are engaged in the discharge of various duties connected with the post office. Of these two hundred and forty-five are clerks, ninety-one are delivery carriers, twenty-eight are collecting carriers, and are paid out of the carriers' fund.

"Of these three hundred and sixty-four persons three hundred and one were appointed by me; the remaining sixty-three were retained in office by me.

"I stated the amount allowed per month for payment of clerks by an order of the department to be $16,000, about; it is $16,686 37."

No. 13.

WEDNESDAY, *April* 11, 1860.

JOHN READY called and sworn.

By the CHAIRMAN:

Question. Where do you live?

Answer. At 116 Seventh Avenue, New York city.

Question. What is your occupation?

Answer. I am a constable of the 16th ward.

Question. Have you been employed in the public stores in New York at any time?

Answer. Yes, sir.

Question. For what?

Answer. To do labor; as a helper in the public stores.

Question. Do you recollect at what time you were employed there?

Answer. I was there in 1856; the year 1856, I think, was the first time I went there, and latterly it was, I think, in the year 1858 that I was reappointed to go to work there again; but I only worked five days, when I was discharged.

Question. Were you sent for on that occasion, or did you go there yourself seeking employment?

Answer. I was working in the Brooklyn navy yard; I was sent for and told that I was appointed to go to work in the public stores; I inquired how it would be, and told them that I did not want it if it was not going to be permanent; that I was then making $2 a day in the navy yard, and did not want to give that place up, as winter was coming on, unless it was for a permanent place; they told me that I was to be there permanent; that I was appointed steady; I went down to see the clerk of the custom-house and asked him about it.

Question. What was his name?

Answer. Wesley Baum. I ascertained from him that it was all right, as far as he understood, as he said; that I was appointed permanently; that he had my name put down upon the roll. Under those conditions I left the navy yard and went to work in the public

stores; at least I went there to go to work. I went down there the following morning to go to work, and they told me that I was excused until the day after the election. That was three or four days previous to the election.

Question. Did they tell you what you were excused for; what you had to do?

Answer. They did not mention it. It was understood that I was to do all I could in my district for electioneering purposes.

By Mr. WINSLOW:

Question. Who told you so? Tell what you know; not what was understood. Who said so, and what was said?

Answer. I think I asked the congressman to excuse me until after the election, and he told me that he thought that it could be done, and went down there with me to the storekeeper, and the storekeeper told me that I was at liberty to go until the morning after the election. I went down the morning after the election, and worked that day, and that evening I was told that my services were no longer required. I asked what that was for, and told them that it was wrong to treat me in that way; that I left a good job at the navy yard to go to work there, and now I was chucked out of both. They said they knew nothing about it; they only had from the collector that my services were not required any longer, and so I had to quit.

By the CHAIRMAN:

Question. Are you an active politician in your ward?

Answer. Not of any great note; I always took an active part, as much as I could, for the party.

By Mr. OLIN:

Question. In what were you engaged the four or five days you were thus employed? What were you employed in during these four or five days?

Answer. Well, I saw my friends, and told them to vote for my friend. I was talking around in the ward and district?

By Mr. TRAIN:

Question. On what day did the election occur?

Answer. I disremember; I think it was the 9th of November. It was the time of the election of Mr. Manierre.

Question. Were you paid for all your time?

Answer. Yes, sir; I was paid ten dollars.

By the CHAIRMAN:

Question. Who paid you your money?

Answer. The storekeeper.

Question. Had you to sign any books or papers?

Answer. Yes, sir; we had to sign a book, which they said was to come on here to Washington; the pay-roll, as we used to call it.

Question. Did you sign along with the other employés of the government, or only with such as were hired on that occasion?

Answer. I think we all signed the same roll, to the best of my information. I disremember now, exactly, but I think we all signed the same roll.

Question. Do you know of others who were treated the same way as you were—employed just before and discharged just after the election, and paid ten dollars?

Answer. Yes, sir; I know of several.

Question. Who rendered the same services that you did?

Answer. Well, I do not know whether——

Question. I mean who went out to see their friends and electioneer?

Answer. About that I do not know. I know they were only engaged the five days. As to their being excused, I believe that some of them worked for the five days, but many of them did not. I only worked one day out of five, but I got ten dollars, the full pay for five days. Some of the others, I heard, only worked three days; some of them were excused on election day, and some of them were excused for four days, as I was.

Question. Did you complain to the officer there of being treated in that way and discharged?

Answer. I did.

Question. In what way did you complain? What did you say to them?

Answer. I told them this: "Mr. Baum," said I, "this is kind of hard," said I; "I am a man of family," said I; "I have a family to take care of," said I; "I came to you when I first heard I was appointed, and I told you that I did not want to leave my place in the navy yard to come here, unless it was to be permanent;" and he said, "I understood that you were to be permanent, and as far as I am concerned I thought you was." Said I, "this is too bad; I gave up my job in the navy yard." I lost it for not attending, for if you do not attend for three days, that discharges you, and I did not go there for five days. I said "this is too bad; for I lost a job in the navy yard and in the custom-house both, for only five days' pay."

Question. Did you threaten to make any exposé of it or publish it in any way?

Answer. No, sir.

Question. Did they take you back afterwards?

Answer. Yes, sir; I was reappointed, I think, on the 15th of December—the month following, I think it was, that I was reappointed.

Question. Do you know how you came to be reappointed?

Answer. Well, yes, sir; I heard——

By Mr. WINSLOW:

Question. State what you know; I must object to your stating anything hearsay.

Answer. I went to see our congressman, and I forget, really, whether I saw him or not. [After a pause.] No, I did not see him, but I told a man, who used to be always in company with him, how I was served. He said that the congressman appointed me in the first place in good faith; and I heard that he was going on to Washington, and would write back after he got to Washington; that he would go to see the Secretary of the Treasury—I think it was Mr. Guthrie. He went to see him personally about me, and told him how I was treated, and that Mr. Guthrie wrote on to Mr. Schell to appoint me and Mr. O'Reilley. I got word of that fact, that Mr.

Schell had a letter to appoint me. I went down to see Mr. Schell, and he told me "yes," that he had, and I was appointed to go to work on the 15th, and on the 15th I went to work there, and worked there until the 1st of January last, I think it was, when I was discharged.

By Mr. ROBINSON:

Question. What were you discharged for in January?

Answer. I do not know, sir; I suppose it was because of the contract system; they are putting men out every day.

By Mr. WINSLOW:

Question. How came you to be subpœnaed here?

Answer. I did not know anything about it, until Monday morning, when the Sergeant-at-Arms came on. I saw Mr. O'Reilley the Sunday night previous to the Sergeant-at-Arms coming, and he told me he had come down from Washington, and that maybe I might get a subpœna to come on here. I told him I would not like it, as I was not prepared to go. He said I would get a subpœna and would have to go; and I did get a subpœna Monday morning.

No. 14.

WEDNESDAY, *April* 11, 1860.

JOHN C. ELLRODT called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. At 215 West 38th street, New York city.

Question. What is your occupation?

Answer. I am on the police at present.

Question. Have you ever been in the employ of the government in the public stores?

Answer. Yes, sir; I have been there.

Question. At what time did you go into the service of the government there?

Answer. I was appointed there in November, 1858.

Question. Did you go there in search of employment, or were you sent for?

Answer. I was sent for; I got in there through General Ward. General Ward went with me to the collector, and the collector then told me to go to the store the next day.

By Mr. OLIN:

Question. General Ward went with you to what collector?

Answer. To Mr. Schell.

Question. Went with you to see Mr. Schell?

Answer. Yes, sir.

Question. And Mr. Schell told you to go to the store the next day?

Answer. Yes, sir, and report myself there; I went over there and was put to work that day; it was on Friday, two or three days before

the election; I worked on Friday and Saturday, and on Monday, about 11 o'clock, I was told to go up to the ward where I live.

By Mr. WINSLOW:

Question. Who told you?

Answer. The foreman came out from in the store and told me I was excused, and to go up to the ward.

Question. Had you applied to be excused?

Answer. No, sir.

Question. Had you never expressed a wish to be permitted to go up there?

Answer. No, sir, I had never said a word to any one about it.

By Mr. OLIN:

Question. Who was the foreman?

Answer. Mr. Gilbert Sherwood; he was foreman over the floor where I was.

Question. He told you to go up in your ward, that you were excused?

Answer. Yes, sir.

By Mr. ROBINSON:

Question. Did he tell you what to do?

Answer. He did not; I supposed at the time—there were a good many sent off at that time—that it was to electioneer.

By Mr. WINSLOW:

Question. State just what you know, not what you supposed.

Answer. They did not tell me what to go for.

By Mr. OLIN:

Question. You went up to the ward?

Answer. I did.

By the CHAIRMAN:

Question. What did you do when you had got up in your ward?

Answer. I went around to see some of my friends about election.

By Mr. OLIN:

Question. You electioneered as well as you could?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Among your German friends?

Answer. Yes, sir.

By Mr. OLIN:

Question. When did you return to the custom-house?

Answer. Not before Wednesday morning.

Question. The day after the election?

Answer. Yes, sir.

Question. What did you then do?

Answer. I worked that day.

Question. You worked Wednesday?

Answer. Yes, sir; and at the evening roll-call my name was called off, and I was told my services were no longer required.

Question. When did you get your pay?
Answer. On the Saturday following.
Question. You were paid by whom?
Answer. By Mr. Goldson.
Question. Was he a custom-house officer?
Answer. He was the storekeeper.
Question. Do you know of any others who were discharged at the time you were?
Answer. I do, sir.
Question. How many do you recollect being discharged at that time?
Answer. I know four or five of them personally, and there were some who were discharged that I do not know.
Question. Who were those four or five that you know personally?
Answer. Mr. Ready is one; Mr. Wegman is another; James Owens is another; Jacob Irving is another; Jacob Hoffman, who was on the night watch, was another; and Jacob Kreitzer is another.
Question. Do you know whether these men you have named as having been discharged at that time had been employed a few days before the election?
Answer. All but Hoffman and Kreitzer; they were on the night watch, and got down there a few days previous to me; they were discharged; they got back again, but it took some time, a couple of weeks; they were sworn in then, but they had not been sworn in previous to the election.
Question. How much pay did you receive for your two days' work?
Answer. I got $10 altogether; I got $4 the first Saturday and $6 the next Saturday.

By Mr. WINSLOW:

Question. Were you ever employed there again?
Answer. Yes, sir; I got down there again on the 22d of December.
Question. And went out when the contract system came in, I suppose?
Answer. No, sir; I worked under that about a month.
Question. Under the contract system?
Answer. Yes, sir.
Question. You were not employed by the government?
Answer. I stayed there at the store and got paid at the same rate, until my name was read off that my services were no longer required.

By the CHAIRMAN:

Question. Had you made any complaint about being removed and used in that way, that led you to be taken back again?
Answer. I did; there was a great deal of talk about it.
Question. Were there any threats made?
Answer. Yes, sir; there were a good many citizens that said it was the meanest thing that ever was done.
Question. Did you yourself threaten to expose them?
Answer. No, sir; I did not. I talked about the trick that was played us, but I did not make any threats to expose them, or anything that way.

No. 15.

WEDNESDAY, *April* 11, 1860.

ADAM WEGMANN called and sworn.

By Mr. OLIN:

Question. Do you reside in the city of New York?
Answer. Yes, sir.

Question. Are you a citizen of the United States? Have you been naturalized?

Answer. Yes, sir; fifteen years ago.

By Mr. WINSLOW:

Question. Where were you born?
Answer. In Germany.

By Mr. OLIN:

Question. Have you been employed in the custom-house in New York?

Answer. Yes, sir.

Question. Were you so employed in the fall of 1858?

Answer. I was.

Question. How long prior to the election?

Answer. Three days before the State election; I worked three days before the election.

Question. Did you make application for employment there yourself? Did you apply for the place yourself?

Answer. Yes, sir.

Question. Did any one go with you there, or suggest your being employed?

Answer. Well, I got the appointment or the employment through our congressman; he was the man who got it for me.

Question. Who was he?

Answer. Elijah Ward, our congressman.

Question. In what way did you get it through him?

Answer. I made application there, and through his influence, I expect, I got the job.

Question. Did you have any conversation with Mr. Ward in reference to it? Why do you say you expect you got your place through his influence?

Answer. Well, I was not acquainted with Mr. Schell, and I went to him.

Question. Went to whom?

Answer. Went to Mr. Ward, and requested him to get me that job. That is the way I got it.

Question. You applied to Mr. Ward to intercede to get you the place there?

Answer. Yes, sir, as a laborer in the public stores.

Question. And you got the place subsequent to that application?

Answer. Yes, sir.

Question. And you went to work there three days before the election?

Answer. I worked three days the week previous to the State election.

Question. Were you excused from working during any of the time you were employed there?

Answer. I was excused the first election day, the day of the State election, for half a day, I think. I am not certain whether it was a whole or a half a day; I am sure it was half a day, but I cannot say for sure whether it was a whole day or not.

Question. You were excused for a half a day at least, and you are not sure whether it was a whole day?

Answer. Yes, sir.

Question. That was election day?

Answer. Yes, sir.

Question. And you returned there and worked how many days?

Answer. I worked just one day more after the election, and was discharged the first day after the election.

Question. Did you make application to be excused?

Answer. Well, I believe I did. I had to ask the storekeeper to let me go.

Question. How much were you paid?

Answer. I was paid two dollars a day. I was paid for the time I was excused.

Question. Were you employed there after that again?

Answer. Yes, sir.

Question. Who got you the place then?

Answer. The same parties. Mr. Schell appointed me again afterwards. That was three weeks afterwards; about four or five days before the charter election.

Question. How long did he keep you then?

Answer. He kept me then about a year, till our last election in 1859 was over, and then I was discharged again.

Question. He kept you through the charter election in 1858, and until after the election was over in 1859, and then discharged you again?

Answer. I worked through the winter, after the December election was over, until last summer or fall in 1859.

By Mr. WINSLOW:

Question. The contractors were in then?

Answer. Yes, sir.

Question. When did the contractors go in?

Answer. I think it was in July; I cannot say for sure.

Question. Last July?

Answer. Last July or August; somewhere about that time; I forget the month.

By Mr. OLIN:

Question. And then you were discharged?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Were you directed what to do when you got leave of absence? Were you requested to exert yourself in your district?

Answer. Well, not exactly, sir; I was excused to go to give in my vote and work, I expect, for the party. That is what men go for generally.

Question. Do you know of any others who were employed and discharged, as you were—employed just before the election and discharged just after?

Answer. Yes, sir; I know several more who were used the same way as I was.

No. 16.

WEDNESDAY, *April* 11, 1860.

JAMES OWENS called and sworn.

By Mr. OLIN:

Question. Where do you reside?
Answer. In the 18th ward, in the city of New York.
Question. What is your occupation?
Answer. I am a stone cutter by trade. At present I am a constable of the 18th ward.

Question. Are you a native or naturalized citizen?

Answer. Naturalized.

Question. How long have you been naturalized?

Answer. About nineteen years. I came over when I was a little boy; I was about seven years old when I came over.

Question. Are you a native of Ireland?

Answer. Yes, sir.

Question. Have you ever been employed in the custom-house at New York?

Answer. Yes, sir.

Question. Were you so employed there in the fall of 1858, just prior to the election?

Answer. Yes, sir.

Question. Did you apply for employment there?

Answer. Yes, sir, some time before that.

Question. Did any one assist you in obtaining the place?

Answer. Yes, sir.

Question. Who was it?

Answer. Mr. Herrick, who was a candidate for Congress at that time.

By the CHAIRMAN:

Question. In what district was that?
Answer. In Mr. Clarke's district.

By Mr. OLIN:

Question. How long before the election was it that you were so employed?

Answer. The Friday previous to the election, I think, I was appointed; I think it was Friday.

Question. With whom did you negotiate the arrangement for employment? Whom did you see?

Answer. Mr. Schell.

Question. Augustus Schell, the collector?

Answer. Yes, sir; Mr. Herrick brought me there. Mr. Parsons, editor of the "Daily News," also was one who went there with me.

Question. When did you go to work?

Answer. I went to work, I think, about 9 o'clock in the morning. I was there at roll call, but my name happened not to be on the roll. I went to work about 9 o'clock on Friday. I was in Mr. Schell's on a Thursday, I believe, and he told me to report myself the next morning.

Question. Did you continue to work Friday and Saturday?

Answer. I continued to work until Friday afternoon some time, I think, when I was excused until after the election—until the Wednesday after the election. I happened to be one of the inspectors of the district in which I reside, and was up all night canvassing, and was excused until the day after the election.

Question. At the time you were excused was anything said to you about where you were to go, and about what you were to be employed?

Answer. No, sir; there was nothing said to me, because they thought, I suppose, that I would understand myself what was to be done. I was told I would be excused to go into the ward and attend to some business there in regard to the election.

Question. How long did you continue in the employment of the government at that time?

Answer. When I went down there the day after election, on Wednesday, I found I was discharged.

Question. Were you paid for your services?

Answer. Yes, sir.

Question. During the time you worked as well as during the time you were excused?

Answer. Yes, sir.

Question. Were you subsequently employed again?

Answer. Yes, sir; I was put to work again immediately the day afterward. I said when I was appointed that I would not take the place unless it was promised to me that I was to be employed permanently. I told Mr. Herrick that if they were going to put me there for political services, I would not go there, for I could go on the police again; I had been on the old police before. They said I should certainly be kept there all the time.

Question. That was the understanding before you went to work?

Answer. Yes, sir.

Question. And on calling their attention to it after your dismissal they replaced you?

Answer. Yes, sir.

Question. How long did you then continue in the employment of the government?

Answer. Until the week after the last December election in New York.

Question. Did the contract system commence at that time?

Answer. Long before that.

By Mr. WINSLOW:

Question. You remained there until after the contract was made?

Answer. Yes, sir; I remained there until the week after the election in December, when I was discharged; I had then been elected constable.

By Mr. OLIN:

Question. Do you know of any other men who were employed and discharged about that time?

Answer. Yes, sir; there was one young man from the ward with me, a young man of the name of James Reilly, who was appointed the same day and discharged; he was from the 18th ward, the same ward as myself.

By Mr. ROBINSON:

Question. About what number do you know who were employed and discharged as you were?

Answer. I could not exactly say how many there were; in looking over the list to see if my name was on it, I saw, I should think, the names of some twenty or twenty-five there.

By the CHAIRMAN:

Question. Where is this James Reilly you speak of?

Answer. I think he is now in Baltimore; he is a young man, and was discharged about two months ago; he was appointed the same time I was, and also discharged; we were both put on to work together a day or two afterwards again.

Question. How much time did you work altogether the first time you were employed?

Answer. It might have been a half or three quarters of a day; I suppose they put it down for three-fourths of a day; I left in the afternoon.

By Mr. OLIN:

Question. You received pay for how many days' service?

Answer. For Friday, Saturday, Monday, Tuesday, and Wednesday.

By the CHAIRMAN:

Question. How much pay did you receive?

Answer. Ten dollars, I think.

Question. Were you employed for your political services at that time, or were you directed to render political services?

Answer. I was directed—not exactly directed, either; but I suppose it was understood that it was for that; I did not understand at the time I was appointed that it was for political services that I was to

perform; I thought it was for something I had done before that; I considered that I was entitled to it.

No. 17.

THURSDAY, *April* 12, 1860.

W. B. SHAW called and sworn.

By Mr. OLIN:

Question. Are you the correspondent of the New York Herald?

Answer. Yes, sir.

Question. I wish to ask you in reference to a despatch contained in last Saturday's Herald. Was that sent by you to the Herald?

[The portion of the despatch referred to is as follows:]

"The examination of Mr. Butterworth before the committee has been closed. The letters referred to cannot be produced until Mr. Haskin receives some that are in New York. Before the testimony was signed, Mr. Butterworth, addressing himself to Mr. Train, a member of the committee, from Massachusetts, said:

"SIR: In the course of this investigation you propounded to me questions personally offensive. You, in effect, asked me to state if I had not bargained with the President and bartered my principles to retain my place. In order that no unjust inferences might be drawn from a refusal, I consented to answer the question. I regard this as a personal insult, and one to which I do not intend quietly to submit. I now give you an opportunity to withdraw the question.

"Mr. TRAIN. I did not intend to insult you, sir. I was requested to ask the question, and did so simply to ascertain if the President had used any improper influences in the matter.

"Mr. BUTTERWORTH. You had no right to propound an impertinent question to me to gratify the malignancy of cowardly slanderers. If you had ventured such a query in the streets I should have resented the insult on the spot; and I do not intend to permit any member of this committee to shield himself behind his official position to escape a just personal responsibility.

"Mr. OLIN, (member of the committee.) I do not agree with you, sir, that you have any right to hold any member personally responsible for the discharge of his official duties; and, so far as I am concerned, I do not intend to be intimidated by threats.

"Mr. BUTTERWORTH. I make no threats. I state a fact, and I now submit the matter to the action of the committee. My action will be determined by yours.

"Mr. COVODE. I see no objection to the withdrawal of the question and answer also; but you had better let the testimony stand until the committee close their labors, and this can be left out of the printed report.

"To this Mr. Butterworth assented, and the affair was thus amicably adjusted."

Answer. I sent that.

Question. From whom did you obtain a knowledge of the contents of that despatch?

Answer. Mr. Butterworth told me about those matters three or four times; he told me two days before that what had transpired in the committee room.

Question. Were the statements contained in the despatch derived from Mr. Butterworth?

Answer. Yes, sir; he told me the details of them, my wife, who does all my writing when I am prevented by illness or other causes from doing it, wrote it out; he said it was correct. I made no further inquiries about it.

By Mr. TRAIN:

Question. Did Mr. Butterworth give you the dialogue contained in the despatch?

Answer. Yes, sir; he gave me the details of it.

Question. And you put it in form?

Answer. Yes, sir; he said it was correct.

By the CHAIRMAN:

Question. Where was this done; at your room or his?

Answer. At my own room. I met him down stairs. He told me about it. He had told me about it twice before. He said when he had got through his examination that there were some facts he wanted to have stated. He told it to me again, so that it was fresh on my mind, and I sent it off to the paper.

Question. He appeared anxious that you should have this information and use it?

Answer. Well, I asked him about it. I asked him if they had got through with him, and he said they had. I asked him to give me the points, and he gave them.

No. 19.

THURSDAY, *April* 12, 1860.

GEORGE W. BOWMAN called and sworn.

By the CHAIRMAN:

Question. Where do you reside, and what is your occupation?

Answer. I reside in this city, on H street, between 10th and 11th streets; my occupation is editor and proprietor of the "Constitution" and printer to the Senate.

Question. Do you know of any money having been given by government officers for the purpose of influencing elections?

Answer. I do not, sir.

Question. Do you know of any money being paid for the support of political newspapers?

Answer. In what way, sir?

Question. Paid from proceeds of printing or otherwise.

Answer. I know of no money paid to papers in any other way than that designated in the testimony taken before the investigating committee of the Senate, and the Committe on Expenditures of the House of Representatives, in which it is stated that certain moneys were paid to the "Pennsylvanian," the "Philadelphia Argus," and to the "Constitution," out of the moneys arising from printing the post office blanks and executive binding, the profits of which have been divided, as is stated in full in the reports of both those committees.

Question. How long have you been engaged in the printing business?

Answer. All together?

Question. Yes, sir.

Answer. I have been engaged in the printing business about 30 years, 25 years of which time I conducted a paper in Bedford, Pennsylvania.

Question. Were you not engaged in printing in Virginia at one time?

Answer. I served my apprenticeship in Leesburg, Virginia; I afterwards worked as a journeyman printer in Duff Green's office, when he printed the "Telegraph," I think.

Question. Were you ever engaged in book printing, or has your knowledge of the business been confined to publishing newspapers?

Answer. I have a general knowledge of everything that pertains to the printing business.

Question. Have you ever been engaged in book printing?

Answer. No, sir; I have not been engaged in book printing, except since my election as printer to the Senate. Of course, I am now engaged in what is called book printing—publishing documents of Congress.

Question. How long have you been engaged in book printing, or in publishing newspapers here in Washington?

Answer. I have published the "Constitution" one year, on the 11th of this month.

Question. How long were you Superintendent of Public Printing?

Answer. I think I was Superintendent about eighteen months.

Question. When did you retire from that office?

Answer. I retired from that office I think on the first day of May last—the first day of May or the last day of April.

Question. Were you directly or indirectly interested in the public printing while you held the office of Superintendent?

Answer. Neither directly or indirectly, to the amount of one-quarter of a cent, in any contract, at any time or under any circumstances, during my superintendency.

Question. Did you not, while Superintendent, make an arrangement to take the "Union" newspaper, and also to receive the sum of $20,000 per annum towards its support, knowing that this sum was to be paid out of the profits of the public printing and binding? Please state the facts of the case.

Answer. It was a matter of no consideration to me where the money came from, or whether the printing amounted to $1 or $100,000. Mr. Wendell simply agreed to pay me for the use of the "Union," at the rate of $10,000 a year, so long as he was permitted to retain the executive binding and the printing of the post office blanks, of which he was then the printer by virtue of a power of attorney from Mr. Harris, then printer to the Senate. That did not depend upon any profits of that printing, or whether it amounted to $1 or $100,000. It was a simple matter of fact that he was to pay me that amount of money; it did not matter where it came from.

Question. Did you not know that it was to come from that?

Answer. I did not know where it was to come from. It was simply a matter of fact that he was to pay me that as long as he was permitted to retain that patronage. And the only money he ever did pay me

was $3,000, and that he told me he had borrowed. It did not depend upon any contract, any certificate, or anything of the kind coming out of the Superintendent's office.

Question. Was it not a consideration of such transfer of the "Union" to you that the Wendell printing establishment should execute the printing for you, in the event of your election as Senate printer?

Answer. No, sir.

Question. Do you employ Mr. Rives to do your work, and if so, state the terms upon which he executes the printing for you?

Answer. I employ Mr. Rives to do the work for me as a foreman, for which I pay him for the entire execution 66⅔ on the dollar of all the printing that comes under my control.

Question. Did you not know when you engaged Mr. Rives to do that work that he was not a practical printer, and that he had not materials with which to execute it?

Answer. No, sir; I believe him to be perfectly competent to execute the work of all the branches of the government, including both houses of Congress, and to do it as well, if not better, than it has ever been executed under the government. And I think it is executed as well now, if not better, than it has ever before been executed.

Question. Why do you, a practical printer, as you say you are, employ Mr. Rives, who is not a practical printer, as your foreman?

Answer. I do not say that Mr. Rives is not a practical printer. I never made inquiry into that part of the subject. I believe he understands as much about printing as any man in the United States; everything that pertains to the printing business in all its branches.

Question. Was it not $20,000 a year, according to the arrangement, that was to come to you? And, if so, what amount of that were you required to pay to the "Pennsylvanian?"

Answer. $10,000. I was not required to pay it, but that was the understanding. The former editor of the "Pennsylvanian" had been contractor for printing the post office blanks, and it was the understanding that he was to continue to receive that amount of money. He had been receiving that amount under an arrangement by which he was executing the work for the Post Office Department, through Mr. Wendell, I believe. Mr. Rice, who edited the "Pennsylvanian," was the contractor, and $10,000 of that money was to continue to go to the "Pennsylvanian." I simply agreed to pay it, if the money was paid. I obligated myself to nothing, but simply agreed that if the money was paid I would pay it to the "Pennsylvanian."

Question. Who required you to pay it to the "Pennsylvanian?"

Answer. No person.

Question. Who was it that requested it or dictated it?

Answer. It was simply an understanding between Mr. Wendell and myself. The proposition was made to me by Mr. Wendell. The taking the paper was urged upon me by Mr. Wendell, through his friends, and they made this suggestion as to what they would agree to do, provided I would agree to take the paper off his hands. I had no desire about the matter; I did not care about the paper. I took it more at the instance of Mr. Wendell, through his friend, Judge Nicholson, than any other man in the country. He urged me to take

it; and Mr. Wendell made the proposition that he would pay that amount of money, $10,000, to the "Constitution."

Question. Were there any other parties to that arrangement?

Answer. No, sir, no other parties. The fact is stated in the reports of both of the committees I have referred to, that it was done in the presence of Judge Black, who acted as my friend, I having known him for twenty years, whom I consulted, and in whose advice I desired to confide as a man of honor, and as a lawyer who would not advise me to do anything that was not honorable and fair in the eyes of the world.

Question. Why did Mr. Wendell give you the "Union" newspaper?

Answer. Well, sir, the paper was sinking him, according to his oath, $19,000 a year. He was tired of the paper. He thought I was the man to conduct the paper, and he agreed to pay me $10,000 a year as long as he was permitted to retain the executive binding and the post office printing, in part consideration of being relieved from sinking $19,000. I was to take the paper and run the risk of losing $9,000, taking the office, material, &c., as a consideration for that risk; as a consideration for the $9,000 I would sink, according to his own declaration.

Question. Did this arrangement, in your judgment, make you a party to the profits of that printing and binding while you were Superintendent of Public Printing?

Answer. In no way, either directly or indirectly; the binding did not come under the supervision of the Superintendent of Printing; he had nothing to do with it; that is a matter with which the heads of the departments have to do.

Question. And the printing?

Answer. As to the printing of the post office blanks, as I said before, it did not matter to me what that amounted to; the arrangement did not depend upon the profits of the printing of those blanks; if Mr. Wendell did not receive one dollar in the course of a year, his obligation to me was just as strong as if he had received $100,000; and therefore I could have no interest in it.

Question. You say that the contract to pay you the $10,000 was while he had the patronage?

Answer. He was to pay me $10,000, or in proportion, as long as he was permitted to retain the patronage; if the patronage was withdrawn from him by the executive departments, then it was to be a question with Judge Nicholson and Judge Black, to whom we made mutual reference in the paper written and signed, and they were to decide what amount he was to pay out of that $10,000 in the event of the patronage having been removed by the executive departments, or any portion of it.

Question. Did you receive from Mr. Wendell at the rate of $20,000 per annum from the time you took possession of the "Union" until the December following?

Answer. I received $3,000.

Question. I include in this $20,000 that which was to go to the different papers.

Answer. No, sir; Mr. Wendell, under that arrangement, owes nearly $6,000 to-day unsettled for, and I presume for which he is not accountable under the circumstances, he having declared himself bankrupt; under that arrangement, that understanding, nearly $6,000 is due now; and a portion, about $3,300 perhaps, something like that, that I got from him, I got an order on the Post Office Department for, in order to get a settlement with him; the whole amount of that order was $6,003, or $6,300, perhaps; I assumed a debt on the "Union" establishment of $4,500 when I took it; that debt was to be paid to me as soon as the books were adjusted, which was in two or three weeks; I did not get the money; I was uneasy about the money which I became responsible for, and which I have since paid; he refused to pay me the $4,500; and through his friend, Mr. Appleton, I reduced it one thousand dollars below what the debt was to get him to settle it; I added that $3,500 to the order on the Post Office Department that he gave me on the understanding of $10,000, and that made $6,000, and he did not allow that to be paid without serving notice on the Post Office Department that he would resist the payment; and I got that money by giving my individual bond with security to indemnify the Post Office Department.

Question. Did you know at this time that Mr. Wendell was going on making the full amount of payments to the "Pennsylvanian," and more than the full amount?

Answer. I did not know what he was doing; during the summer he paid me some $1,000, which he drew a draft for in my name, which I immediately sent to the "Pennsylvanian."

Question. That was to be paid through you?

Answer. That was the understanding, that I was to get at the rate of $20,000 a year, and when the money was paid for the "Pennsylvanian" I agreed simply to remit it, but to have nothing to do with it in any other way.

Question. Why was it that you refused to employ Mr. Wendell's establishment to execute your work after receiving so much money from him?

Answer. After receiving so much money from him! I did not consider that I had received near the amount of money he was to have paid me, and that I was left in a situation to sink $9,000 on the paper according to his own statement, even though he paid me all he agreed to pay; I was under no obligation to Mr. Wendell to give him the work, or to give him anything; he has failed to give me $6,000 of what he agreed to pay me, while he had the benefit of that patronage —the whole of it.

Question. Who directed this money to be paid to the "Pennsylvanian" and "Argus," &c.? Did not the President himself do it.

Answer. No, sir, the President never did, either directly or indirectly.

Question. Had you not frequent conversations with the President relative to this matter, and was he not made aware of it?

Answer. No, sir. Once, when I was about to take the "Union" newspaper, I attempted to talk to the President about the subject of my going into the newspaper, and he said, "I have no advice to give

you," or "I can give you no advice upon that subject." That is about the amount of all the conversation I had with Mr. Buchanan upon the subject of that paper or that patronage.

Question. I believe I asked you if you knew of any money being expended for election purposes.

Answer. I never knew of any money being expended for corrupting the ballot-box—never, in all my twenty-five years' experience.

By Mr. WINSLOW:

Question. I understand that Mr. Wendell applied to you to get you to purchase from him the "Union," in the situation he represented to you, that it was sinking him at the rate of nineteen thousand dollars per annum.

Answer. I think he said at that time eighteen thousand dollars per annum, but in his testimony he says nineteen thousand dollars.

Question. And he proposed to let you have the Union for nothing, and to pay you ten thousand dollars a year in addition, so long as he was in possession of the printing?

Answer. Of the executive binding and post office printing, which is outside of the congressional printing.

Question. This was negotiated with him and his friend Judge Nicholson, acting for him?

Answer. Judge Nicholson and Mr. Appleton acting for Mr. Wendell.

Question. And you took the advice of Judge Black, the Attorney General, whom you knew to be a long and old confidential friend of yours, as your friend to advise you in the premises?

Answer. Simply as a friend.

Question. And the arrangement was made somewhat upon that basis?

Answer. Yes, sir.

Question. And the ten thousand dollars was to be paid out of any moneys he should choose to pay you from—to be connected with no fund; but with the condition that it was to continue so long as he should have the executive binding and the printing of the post office blanks?

Answer. Yes, sir.

Question. And if that patronage was diminished in any way, then it was to be a matter of consultation between your friend, Judge Black, and his friend, Judge Nicholson?

Answer. Yes, sir.

Question. Have you ever, at any time, had any knowledge of the President of the United States using the public moneys for the purpose of influencing elections or anything of that kind, or for any corrupt use whatever?

Answer. I have no knowledge of anything of the kind.

Question. Directly or indirectly?

Answer. No, sir; neither directly nor indirectly?

Question. Have you any knowledge of the corrupt use of patronage by the President?

Answer. I have not.

Question. Intended either directly or indirectly to influence elections or legislation?

Answer. No, sir.

Question. Is there anything in any conversation that you ever had with the President of the United States that would have led you to any such conclusion?

Answer. No, sir; and I have talked with him a great deal.

Question. Can you say the same of the members of the Cabinet; or how is that?

Answer. I can say the same thing of the members of the Cabinet?

By Mr. OLIN:

Question. I understand the witness to declare that he had no pecuniary interest whatever in that contract, and yet he acknowledges that in the event that the business of printing the post office blanks was not continued in the possession of Mr. Wendell, then his compensation might be diminished by the so taking away of that patronage. (To witness)—This you say was the arrangement while you were yet the Superintendent of Public Printing. Do you now state that you were not interested in that arrangement, and that your compensation would not depend upon whether that patronage was or was not continued to Mr. Wendell, when you say that it was to be left to the mutual friends of yourself and Mr. Wendell to decide whether your compensation should not be diminished in the event of this patronage being taken away from Mr. Wendell?

Answer. No act of mine while in the Superintendent's office could have affected that in any way. The department might have taken that patronage from Mr. Wendell entirely and given the whole of it to the "Constitution," instead of allowing Mr. Wendell to enjoy, perhaps, more than half the profits.

Question. And they could have given it to anybody else?

Answer. Yes, sir; and then it was to be a question to be referred to those gentlemen, and I was willing to submit it to their consideration, and to abide by whatever they should say, taking a bill of sale for the full property of the office for any contingency that might arise.

By Mr. WINSLOW:

Question. What was your duty as Superintendent of the Public Printing?

Answer. The duties of Superintendent of the Public Printing are to make contracts for paper; to make contracts under the directions of the respective committees of the two Houses of Congress for engraving and lithographic printing; to receive from the Clerk of the House and Secretary of the Senate all the work to be executed, and to pass it to the public printer; to keep a record of all the printing done, and set down the amount that the printing comes to, and to give certificates upon the treasury for the payment of the money. These certificates are closely scrutinized, not only in the way of examining the certificates, but by an examination of all the printing that is executed, which is measured and examined in the Treasury Department in the same way as it is in the Superintendent's office; and the account

passes under the examination of some two or three officers before it is finally closed, so that the safeguards and checks are very strong indeed upon the Superintendent's accounts.

Question. The Superintendent has no power to increase or diminish the public printing?

Answer. No, sir.

Question. And the prices paid for printing are fixed by law?

Answer. The prices are fixed by law, and the authorities under the law order the amount of printing to be done; and the amount of printing is set down upon the books, and nothing can be paid for beyond the orders filed away in the office. The prices are fixed by law for all the public printing, and the Superintendent can neither increase nor diminish the amount.

By the CHAIRMAN:

Question. From your knowledge as Superintendent of the Public Printing are you not aware that there is a law requiring the binding and ruling to be given to practical workmen?

Answer. That is given out by the committees.

Question. The executive binding and ruling, I mean?

Answer. Having nothing to do with it, I never examined the law to see what it was, because I had no control of it, and nothing to do with it.

By Mr. WINSLOW:

Question. Your office has no such patronage?

Answer. No, sir; no power to do anything of that kind.

Question. But merely to superintend that which is ordered by persons appointed by the proper authorities?

Answer. Yes, sir. I would say here, that during the eighteen months that I was Superintendent of Public Printing I think I introduced and urged upon Congress reforms, as a practical man, amounting to a saving to the government for all time to come, as well as for the time I was in office, of $200,000, as I can demonstrate, I think, by a fair calculation of the reforms I suggested.

Question. Have you the means to furnish us with that information now?

Answer. That is all given in detail in the testimony of both the other committees; the committee of the Senate, and the committee of the House, as will appear.

By Mr. OLIN:

Question. You did not very early suggest any reforms in the printing of the post office blanks?

Answer. Well, sir, the world was not made in a day; and if a man curtails patronage that has been squandered to the extent of $200,000 a year, he has done a pretty good eighteen months' work; it requires time to do everything. Mr. Covode knows that I urged these questions upon Congress very frequently, until perhaps he and others felt my importunities to be excessive.

The CHAIRMAN. It is due to Mr. Bowman to say that he put us upon

the track of detecting many felonies, sometimes to the amount of twenty per cent.

The WITNESS. I went into that office for the purpose of honestly discharging my duty, and, to the best of my ability, I did it.

No. 20.

FRIDAY, *April* 13, 1860.

GEORGE PLITT called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Philadelphia.

Question. What is your occupation?

Answer. I am at present not in any business.

Question. Were you the treasurer of the election fund in Pennsylvania in 1856?

Answer. I was the treasurer of the democratic State central committee in 1856.

Question. Will you tell how much money you disbursed in Pennsylvania on that occasion?

Mr. WINSLOW. I object to that. [To witness.] You say you are not in any official position now.

The WITNESS. Not at present; only a private citizen.

By Mr. ROBINSON:

Question. Were you an officer of the government at that time in 1856?

Answer. I was then the clerk of the circuit court of the United States.

The CHAIRMAN, [to Mr. Winslow.] You will see that there are some things connected with this matter that will lead you not to object to this testimony.

By Mr. WINSLOW, [to witness:]

Question. Who appointed you to that office?

Answer. Judge Grier.

Question. It was one of the appointments that the judge has control of?

Answer. Yes, sir.

Mr. WINSLOW. I do not think this comes within the rule.

The CHAIRMAN. He was an officer of the government.

Mr. WINSLOW. In that respect only.

The CHAIRMAN. He had the control of the office in which was the seal of the court, where they manufactured the naturalization papers. And it will appear that large quantities of fraudulent naturalization papers were got up and used.

Mr. WINSLOW. That is another matter.

The CHAIRMAN. While I am not going now to press that question,

it is stated that from 5,000 to 7,000 forged naturalization papers were made by that machinery.

Mr. WINSLOW. The question you asked, and to which I objected, was concerning the amount of money disbursed.

The CHAIRMAN. I asked about the amount of money he received and disbursed in 1856.

Mr. WINSLOW. I do not think that is proper. I based my report to the House upon the ground that we had no right to inquire into these private matters, and I think this involves the same question.

The CHAIRMAN. The report of the committee was concerning a paper which the committee asked for.

Mr. ROBINSON. The point with me about this whole matter is this: admitting, for the sake of argument, that Mr. Plitt was the treasurer of that fund, and that it was used in bringing up votes, has Congress any control over the matter? Can we legislate upon the subject? Clearly not; the laws of Pennsylvania must punish it. Hence, I think, we have nothing to do with it. That is my view of the power of Congress. Congress has no power to inquire about a subject unless they can legislate in regard to it, or have the right to inflict a punishment.

Mr. WINSLOW. I do not think it would be decorous to the House, as they have recommitted the report to this committee, and thereby shown that they do not sustain the report of this committee, that we should act now upon this matter.

The CHAIRMAN. That was not the ground upon which the report was recommitted. It was to remove it from the House that they might act upon another report first.

The WITNESS. I have no objection to answering the question, if it is decided to be a proper one; but I do not think it is.

By Mr. WINSLOW, [to witness:]

Question. What conversation did the Chairman of this committee have with you just before we commenced examining you? The Chairman took you out in the passage here.

Answer. He asked me where Mr. Vandyke was, and I told him that I left Mr. Vandyke up stairs.

Question. Is that all that occurred?

Answer. I think so. He asked me if I was willing to testify, and I said I was willing to testify all that it was right for me to answer. I do not think any gentleman would ask me an improper question.

Mr. WINSLOW. I do not think the Chairman or any member of the committee ought to talk to witnesses before they are examined by the committee.

The CHAIRMAN. Did you ever know a case where an attorney or the chairman of a committee did not examine the witnesses beforehand?

Mr. WINSLOW. We are not here as attorneys, but as members of Congress to elicit the truth fairly and justly.

The CHAIRMAN. I said the chairman of a committee.

Mr. WINSLOW. I do not think any member of a committee has a right to do that. I have no complaint to make of the witness.

[The further examination of the witness, and the consideration of the question concerning disbursing money in Pennsylvania for the elections of 1856, was postponed for the present until Messrs. Olin and Train should be present.]

The committee then took a recess, with the understanding that they should meet again in the afternoon to examine witnesses.

At 2 o'clock p. m. the committee again met, Mr. Winslow absent.

The committee proceeded to consider the question whether the witness should be required to answer the question, to which Mr. Winslow objected this morning, concerning the disbursing of money in Pennsylvania for the elections of 1856.

By Mr. TRAIN. [To witness:]

Question. How much money did you receive from the New York Hotel fund?

Answer. I will tell you very frankly about that, because I see that Mr. Schell has testified to that. I received $18,500 from Mr. Schell. I understood that $20,000 had been appropriated.

By Mr. OLIN:

Question. You received it from which Mr. Schell—Richard or Augustus?

Answer. From Augustus Schell. I received his draft, payable to my order.

The CHAIRMAN. I think it would be as well to settle the question now, whether the witness shall be required to answer the questions as to how much money he, as treasurer of the State central democratic committee, disbursed in Pennsylvania to aid in carrying the elections of 1856.

Mr. OLIN. My own judgment in reference to this matter is that, although the resolution in its terms instructs us specifically to inquire into the use of money for election purposes, without designating money used fraudulently as distinguished from that which might have been used for legitimate purposes, as it may be—my own judgment is that the House will recede from the position they have taken, as indicated by the resolution, and say that they did not intend to have us go into an inquiry concerning voluntary subscriptions raised by private parties for purposes of election, where those purposes are legitimate. I think they will put that construction upon it.

The CHAIRMAN. We have yielded that.

Mr. OLIN. There is this difficulty in reference to this objection: it is a mere objection to the order of proof. Suppose we were to inquire concerning money used unlawfully and for illegitimate purposes, undoubtedly the first inquiry is to ascertain whether any money was raised. That is one step towards proving that money was raised for improper purposes, although we may not succeed in proving that when raised it was used for improper purposes. But one link in the chain of proof that money was used at all for improper purposes, is to prove that money was raised and used. We may first show that moneys were raised for election purposes, and then trace those moneys in their application to the purposes for which they were used. If it

is ascertained that they were not used for improper purposes, then, of course, the inquiry falls. That is the view I take of it, and I do not see any legitimate objection to the inquiry. If it be considered that it is perfectly proper to use money for lawful purposes in elections, there is no harm in the inquiry as to the fact whether moneys were used. If we fail to make out the proof that they were used for unlawful purposes, the proof amounts to nothing.

The CHAIRMAN. Mr. Buchanan did not designate between raising money in elections properly and using it improperly.

Mr. OLIN. What does that amount to? If Mr. Buchanan condemned the using money at all in elections, that is a private opinion of his own.

The WITNESS. Which he seems to have publicly recorded.

Mr. OLIN. But if there is any reasonable prospect of showing that moneys thus raised to a very large amount—though it is possible they may have been used for legitimate purposes to that amount—if there is any prospect of proving that the moneys were used and raised with the knowledge and approbation of the President, it may show him in rather a ridiculous light, to say the least of it, as manifesting publicly his disapprobation of the means used with his own approbation to secure his own election.

Mr. ROBINSON. I concur fully with Mr. Olin as to this point, that if it is legitimate for us to inquire as to the raising and disbursing of money in aid of elections, the objection as to the order of proof amounts to nothing. We can commence where we please, and perhaps it would be as legitimate for us first to show that money was raised and then trace it in that way as to show that it was improperly used, and then trace it back. The point with me is this: I do not see that Congress has the right to inquire into anything, any abuse, that does not look to ultimate legislation. Now, admitting, for purposes of argument, that money was raised for corrupt purposes and spent corruptly in Pennsylvania, the laws of Pennsylvania punish it, and we have nothing to do with it unless we can show that some officer of the government was connected with it and used the funds of the government. I think the resolution is broad enough to cover this inquiry, but I think the resolution is broader than our power to act.

Mr. OLIN. I know that it has been assumed that Congress has no power to inquire into the mode and manner of elections; but at this election were elected members of Congress and electors who elected a President of the United States, and I suppose that Congress has the constitutional power to prescribe the mode and manner of that election. I have no doubt that Congress has power to regulate the manner and prescribe the regulations of elections of members of Congress, and Congress may exercise authority upon all matters in reference to such elections.

Mr. ROBINSON. I have no doubt of that.

Mr. OLIN. And in that view, wherever presidential electors and future legislation. Now, in reference to the particular question pro- members of Congress were chosen, such inquiries may be the basis of pounded to the witness, if there was a remote possibility of connecting this matter with the knowledge of the President, or if there was a re-

mote possibility of proving even that moneys were improperly used at these elections, either in their origin or their application, I would insist upon an answer to the question. If I was satisfied there was no such possibility I would not make the inquiry at all.

Mr. ROBINSON. If I was satisfied myself that there was any way in which we could connect the President with it, either directly or indirectly, I would go for it; but, unless we are pretty sure that we can do that, my objection is that it would be a great waste of money to pursue this along in the hands of private individuals.

The CHAIRMAN. I expect to show that the President knew of these moneys being raised and used.

The WITNESS. There is one thing to be considered, and that is that the members of Congress elected in 1856 are no longer members of Congress.

The CHAIRMAN. This inquiry relates to the presidential election.

Mr. OLIN. I vote in favor of going on and asking the question and requiring the witness to answer it.

Mr. ROBINSON. I vote in the negative.

Mr. TRAIN. I vote for it.

The CHAIRMAN. And Mr. Winslow this morning recorded himself against it, which makes the vote three in favor and two against.

[It having been determined by a majority of the committee that the witness should answer the question, his examination was then proceeded with as follows:]

By the CHAIRMAN:

Question. How much money, as the treasurer of the democratic State central committee, did you disburse in Pennsylvania in 1856 for election purposes?

Answer. I think it was over $70,000; I have destroyed all my records; the whole amount of money that I paid out was under the written order of John W. Forney, the chairman of our State central committee—not one dollar of which, so far as my individual knowledge and belief are concerned, was appropriated wrongfully; it was honestly intended to carry the election of Mr. Buchanan.

Question. Was it after he was elected that you destroyed all these records?

Answer. After the election was over, and I had had my own account audited by our committee, I destroyed every record of every kind.

Question. I cannot exactly see what object you had in destroying those records.

Answer. Well, I might be paying too much of a compliment to myself; I did not want Mr. Buchanan to know who subscribed, or whose money was paid for his election.

By Mr. ROBINSON:

Question. He knew nothing about it?

Answer. Not at all.

By Mr. OLIN:

Question. As far as your knowledge is concerned?
Answer. Of course, as far as I know.

By the CHAIRMAN:

Question. Did you know anything about a portion of this money being raised off the employés of the government in Philadelphia in the custom-house and elsewhere?

Answer. Well, I think there was at that time, but I am not certain; that is our general custom.

Question. If it should appear that fraudulent naturalization papers were issued in Philadelphia, under the seal of the circuit court of the United States, of which court you were the clerk, and of which seal you was the custodian, how could it happen that such seal was used without your knowledge?

Answer. I can only answer that if it was so used, I do not believe it was, because they would have had also to forge my name to the papers; if it was so used it might have been used by those who had the charge of the clerk's room; there was access to the room constantly; the seal of my press I had always under lock and key, and neither my clerk nor myself knew anything about such use of it; I do not believe it was ever so used; I do not think it possible that such a thing could have been done.

Question. Was there any other way of manufacturing these papers except with your seal?

Answer. The State courts; all courts of record have a right to issue naturalization papers.

Question. Did you know that a large number of naturalization papers were used?

Answer. There were rumors of that kind; I did not know anything about it of my own knowledge.

By Mr. TRAIN:

Question. Did you receive any money from Massachusetts?

Answer. I answered that in my testimony before Mr. Sherman's committee a year ago; I received, as I stated then, $10,000 from Mr. W. C. N. Swift, of New Bedford, Massachusetts.

By the CHAIRMAN:

Question. Have you any knowledge relative to any favoritism being extended to Mr. Swift by the departments here in the way of contracts in consequence of his having advanced that $10,000 to aid in the election of Mr. Buchanan?

Answer. You have my testimony before you upon that point as I gave it before the other committee; I think I stated then that he was put in a favorable position by my recommendation; I do not believe that the President or the Secretary of the Navy knew anything about any agreement I had with Mr. Swift; but I think that from my personal introduction of this gentleman to the President, the Secretary of the Navy, and the Secretary of War, he was favored, kindly looked upon; I conceived that were these things to be given out fairly,

rightly, and honestly, the administration was bound to prefer a political friend to a political enemy.

Question. Do you mean to say that he was favored partly in consequence of the advance he had made; that that was considered through your recommendation?

Answer. No, sir; I did not say that it was on account of his advances, but from my personal friendship to him at that time, and my personal introduction of him to the President and Secretary. Swift did not know one of them. He was at the Cincinnati convention, and after we returned from there I took him to and introduced him to the President.

Question. Of course, you made use of that as one argument why he should be favored?

Answer. I think I said so, that a gentleman who was willing to give that amount of money, if he makes the proper sort of proposition, ought to be recognized. I always encourage such men myself.

Question. Was that proposition made to Mr. Buchanan, as well as to the Secretary of the Navy?

Answer. I do not remember. I do not think I ever said it to him, because I thought the thing would be done anyhow.

By Mr. OLIN:

Question. About what, in your judgment, will be the profits of the contracts Mr. Swift has obtained of the government?

Answer. I do not know what the profits will be. The whole amount of the contracts would be about $500,000.

By Mr. ROBINSON:

Question. Are you and the President on friendly terms at present?

Answer. Our relations are of the same friendly character, so far as I know, that they have been for the last thirty years.

No. 21.

FRIDAY, *April* 13, 1860.

ISAAC WEST called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside in Towsontown, Baltimore county, Maryland.

Question. Were you at one time engaged in the custom-house at Philadelphia?

Answer. Yes, sir.

Question. In what capacity?

Answer. I was appointed inspector. I had charge of the appraisers' stores there.

Question. When were you appointed?

Answer. The first of June, 1853, I think.

Question. How long did you remain in office there?
Answer. About five years.
Question. Were you there at the time of the election of 1856, when Mr. Buchanan was elected?
Answer. Yes, sir.
Question. What do you know about moneys being raised off the employés of the custom-house on that occasion?
Answer. There was a certain tax levied upon the persons connected with the custom-house.
Question. What amount on each person?
Answer. A certain percentage. On a person receiving $1,095 a year, I think the tax for the presidential election was from $30 to $33.
Question. Do you mean for the presidential election alone, or for both presidential and congressional elections?
Answer. I mean the presidential election alone.
Question. What about the other election?
Answer. The amount was not so great for the State election.
Question. How much was that?
Answer. That I do not recollect. It strikes me that it was from $5 to $7, something like that.
Question. The two, then, would amount to in the neighborhood of $40?
Answer. Yes, sir, in that neighborhood.
Question. Upon what salaried officers was that?
Answer. Those of $1,100, or, rather, $1,095 a year.
Question. Were the others assessed in proportion to their salaries?
Answer. Yes, sir.
Question. To whom was that money paid?
Answer. It was generally deposited. That portion which I collected in my department I gave to the deputy collector, Mr. Harbeson—I believe he was the treasurer, so far as the custom-house was concerned—and he paid it over to the executive committee, I believe.
Question. A political committee?
Answer. Yes, sir.
Question. Did all the employés pay?
Answer. I never knew one to refuse.
Question. What was the impression—that it was rather obligatory upon them to pay?
Answer. That seemed to be the impression; they all felt it their duty to pay that more promptly than some of their debts; that was the impression, but I do not know about whether they would have been removed, if they had not paid; but it was considered obligatory, I believe.
Question. Do you know of any person receiving pay during that presidential contest who did not render services in the custom-house?
Answer. That is a pretty nice question to answer. There were parties absent during that canvass for some months; but I could not, on my oath, say whether they received their salaries or not; they were absent some months.
Question. Attending to political matters?
Answer. Yes, sir.

By Mr. TRAIN:

Question. Who were those who were absent canvassing during that election?

Answer. Mr. Gideon G. Westcott was in the State central committee room for some months; from four to six months, probably, more or less.

Question. Name all that you recollect?

Answer. Mr. Whittaker was one; I forget his first name; John Schell and Daniel Fry; I think there were others; I believe those are all I can think of now.

Question. Can you state how long they were away?

Answer. I could not; some more and some less; some were on duty occasionally; Mr. Westcott was absent all the time; the others were on duty occasionally; perhaps at the office half the time.

By the CHAIRMAN:

Question. Did you not see a letter authorizing Mr. Westcott to be absent, or in some way referring to that matter?

Answer. Mr. Westcott read me a letter from Mr. Buchanan, according to my recollection, saying that he had obtained leave of absence for him for a certain time from the Secretary of the Treasury.

By Mr. OLIN:

Question. When was that?

Answer. In 1856.

By Mr. ROBINSON:

Question. Do you say he read you the letter?

Answer. He read me a letter, and that is the impression it left upon my mind.

Question. Do you know whether it was from Mr. Buchanan or not?

Answer. I saw Mr. Buchanan's name to it.

Question. Do you know that Mr. Buchanan signed his name to that letter?

Answer. I saw the name, but do not know myself that he wrote it; he read the letter to me.

By the CHAIRMAN:

Question. Do you know Mr. Buchanan's handwriting?

Answer. I cannot say that I did, and I do not know that I observed it particularly.

Question. Have you any personal knowledge about the issuing of fraudulent naturalization papers?

Answer. I have no personal knowledge of that.

Question. Do you know of any persons who were engaged in distributing them?

Answer. I know parties, of course, who have been convicted there and sent to the penitentiary for distributing them; at least, that came out before the court.

Question. Do you know of any parties not yet in the penitentiary who were engaged in distributing them?

Answer. I would not know except from hearsay; I have no personal knowledge of their distributing them.

Question. Did not a certain individual tell you that he had distributed a large number of them, and was going to distribute more, or something of that kind?

Answer. Yes, sir.

Mr. ROBINSON. I think the person who said so is the proper person to testify to that here.

The CHAIRMAN. I did not intend to ask the name, but only the fact that he was so told.

Question. Do you know whether they were distributed in the city of Philadelphia or elsewhere?

Answer. By that individual, in the county—that is, Chester county.

Question. What was he? An American or German?

Answer. He was himself an American, and held a position on the railroad.

Question. On the Columbia railroad?

Answer. Yes, sir; under Mr. Baker, the present collector of the port of Philadelphia, who was superintendent of that road at that time.

Question. Had you any knowledge of these papers being manufactured out of the city, in the country somewhere?

Answer. I had no personal knowledge of that fact.

Question. Were those that this person stated to you he had distributed stated to have been manufactured in the country or in the city?

Answer. In the city.

By Mr. ROBINSON:

Question. What court did they issue them from in the city?

Answer. Indeed I could not tell; although I have been a democrat all my life and never scratched a ticket, that is a kind of work I never was engaged in and would not hear of at all.

Question. Did that man tell you these were fraudulent papers that he had been distributing, or did he say they were genuine?

Answer. He did not say they were genuine.

Question. Did he say they were fraudulent?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Where does he live?

Answer. He lives in Pennsylvania; I have no personal knowledge of any papers being issued.

Question. Have you not some knowledge about a number of these papers being distributed among the German population that had been in this country but a little while?

Answer. I heard that in the same way; I know nothing personally about it.

Question. Did not a man tell you that he had distributed a large number of them in that way?

Answer. Yes sir, a man told me that.

Question. What title did he give those who had been in this country but a little while?

Answer. Well, you seem to have found out a good deal about these things; there was a German messenger in the office who had been away for some days, and when he came in I took him to account for being absent; "O!" said he, "I was doing good." "Doing good!" said I; "what good have you been doing, Chris? have you been sick?" "No," he said, "I was putting out these papers!" I had never seen three naturalization papers in my life, I suppose, unless I was at some election. "What are they?" I asked him; "O!" said he, "these are *sick!*" "What do you mean by being sick?" I said; "O! God," said he, "these fellows havn't been here more than six months," and he had some others there that he said were good; I told him he had better look out for himself, or he would get into the penitentiary; he said, "I don't give these to them; I leave them where they can get them, and they don't know where they come from."

Question. Did he tell you at one time how many he had issued of those "sick" papers?

Answer. No, sir.

Question. The railroad man who attended to that business was not in the employ of the government at that time?

Answer. No, sir.

Question. Whom did you say he was employed under then?

Answer. He was employed on the railroad under Mr. Baker, the present collector of the port, who was then superintendent of the road.

By Mr. ROBINSON:

Question. You say you were appointed in June, 1853, and remained there for five years; you left there in June, 1858?

Answer. Yes, sir, about that time; I have been in Maryland since the 25th of October, 1858, when I came there.

Question. Why did you quit working in the custom-house?

Answer. I was dismissed because I did not chime in with the course of the administration entirely.

No. 22.

TUESDAY, *April* 17, 1860.

B. F. SLOCUMB called and sworn.

By the CHAIRMAN:

Question. Are you a clerk in the General Land Office?

Answer. I am, sir.

Question. Do you know of any assessment of money upon the clerks and other employés of the General Land Office for political purposes?

Answer. Well, sir, I remember myself to have contributed money on one or two occasions, a small amount.

Question. Do you or not know that all the clerks were assessed for political purposes?

Answer. I do not know whether you would call it an assessment or not. There was a sort of subscription made by the clerks in the Land Office for political purposes, I suppose.

Question. How and in what way were these assessments made—in proportion to their salaries or otherwise?

Mr. WINSLOW, [to witness.] Tell how it was done, how you came to subscribe and how much?

Answer. I do not know whether it was with regard to salaries or not. I remember to have paid myself probably $2 50 when the list was brought around. I understood it was to meet some expenses incurred by a democratic committee. Furthermore, I know nothing about it particularly.

By the CHAIRMAN:

Question. Can you state what percentage on the salaries was assessed?

Mr. WINSLOW. The witness has not said that it was an assessment.

By the CHAIRMAN:

Question. Well, what amount of percentage was the contribution?

Answer. I do not know, exactly. I think I was receiving at the time a $1,400 salary, and the amount I paid was $2 50.

Question. In what year was that?

Answer. I believe it was in 1858.

Question. Was that the only contribution made that year?

Answer. The only one that I know of, the only one I made myself, the only list that was presented to me.

Question. Do you know where that money was to be expended?

Answer. I do not.

Question. Did the clerks generally respond to the call?

Answer. I believe they did.

Question. Were you one of the persons who visited the clerks and presented the list containing the assessment?

Answer. I was not.

By Mr. WINSLOW:

Question. Do you wish us to understand that there was an assessment?

Answer. I did not myself consider that there was an assessment.

By the CHAIRMAN:

Question. Was there not a list containing the names of the persons, the amounts of their salaries and the amounts of their contributions?

Answer. There was a list brought around I believe, but I do not think the amounts of the salaries were on it. I do not remember the particular circumstances about it. I remember to have subscribed, but I do not remember whether I put down the figures myself or not. I know that the amount I paid was $2 50; but I do not remember whether I put down the figures myself or whether they were on the list when presented. I think, however, I put them down. It has been some time since then, and the matter was not of very great importance to me at the time. It was a thing which I did very willingly.

Question. Do you think the amount was not on the list when it came to you?

Answer. I could not state whether it was or not. My memory is not sufficiently distinct on that point. I know the amount I paid, but whether the amount was on the list or not at the time it was handed to me I could not say. If I could see the list I could tell very easily, knowing my own handwriting, but I do not know where it is.

Question. By whose direction was this done?

Answer. I could not say certainly.

By Mr. WINSLOW:

Question. Nothing will be evidence but what you know; no beliefs or understandings.

Answer. I do not know certainly by whose direction it was done.

By the CHAIRMAN:

Question. Did you not accompany Mr. Cramer at one time in making the collections?

Answer. I did not, sir.

Question. Did you hear anything said relative to sending this money into Pennsylvania to liquidate debts contracted there?

Mr. WINSLOW. It would be better to ask the witness who said so. It would be hearsay testimony to ask the witness if he heard such and such things stated.

The WITNESS. I suppose what I heard would not be evidence.

Mr. WINSLOW. I object to anything of the kind.

The CHAIRMAN. If I ask a leading question, that would involve the name of a senator, which I do not want to do.

Mr. WINSLOW. I would rather have it in that way.

Mr. OLIN. I do not see any objection to the witness stating what was said at the time this money was raised.

By the CHAIRMAN:

Question. Did the man who collected the money say anything about what it was for?

Answer. I knew that it was a contribution for political purposes, to be used in some of the States, but where I did not know certainly. I had no definite information at all upon the subject, that I remember. I do not remember that anything was said that I could now repeat in reference to where the expenditure was to be made, or by whom any such remark was made, if any remark of that kind was made.

Question. Who was it that collected the money from you?

Answer. I think it probable that one of the messengers of the office brought the list to my desk.

Question. Do you remember his name?

Answer. I do not now remember which one it was. I believe, however, it was a messenger whose name was Graham, but I am not positive about it. It may have been brought by one of the clerks, but whether that was so or not I am not positive. It was some time since, and I will not make any statement about which I am not positive.

Question. Were you in the office in the fall of 1856?

Answer. Yes, sir, I was.

Question. Have you any recollection about the amount raised that fall?

Answer. No, sir. I remember to have made some contributions in 1856, but they were entirely my voluntary contributions. There was no list presented then, that I know of.

Question. Was it the fall of 1858 that this list with the names was carried around?

Answer. I think it was the summer or fall of 1858. It was during the year 1858; that is my impression now.

Question. Have you any knowledge of a contribution or assessment being made to pay off a Pennsylvania political debt?

Answer. I have no knowledge of the fact.

Question. Was it not understood among you that these contributions were authorized by the head of the department?

Mr. WINSLOW. I object to the witness stating any understanding that he had. If he knows the fact, he can state what he knew about it; but what his understanding was is a very different thing, as he may have had a wrong understanding.

By the CHAIRMAN:

Question. Did you state that you did not accompany Mr. Cramer with the list?

Answer. I have no remembrance of having accompanied Mr. Cramer upon any such mission, at any time. If I had done so, I should have no hesitancy in so stating.

Question. Have you a knowledge of what is the number of clerks connected with all the departments here?

Answer. No, sir. I have seen the names of the clerks in the Blue-book very frequently, but I have never taken occasion to count them.

By Mr. WINSLOW:

Question. You say that you subscribed $2 50 at one time. Was that a voluntary subscription on your part?

Answer. Well, sir, I did not consider it at all compulsory; it was done very freely.

Question. Do you know of any order of the department requiring the clerks to be assessed a portion of their salaries for political contributions?

Answer. No, sir.

Question. You gave what you did voluntarily?

Answer. So far as I was individually concerned it was perfectly voluntary.

No. 23.

TUESDAY, *April* 17, 1860.

J. L. CRAMER called and sworn.

By the CHAIRMAN:

Question. Are you a clerk in the General Land Office?

Answer. Yes, sir.

Question. Do you know of any assessments made upon the clerks or employés there for political purposes?

Answer. I have asked the gentlemen—a portion of them—to contribute for that purpose.

Question. You asked them yourself?

Answer. Yes, sir.

Question. How was that contribution made? Was it a certain percentage on the salary?

Answer. In one instance it was; a small per cent. was asked of the gentlemen.

Question. In what year was that?

Answer. My impression is that it was in the year 1856.

Question. Do you recollect what per cent. it was that was levied that year?

Answer. I can only tell from my own proportion. My recollection is that I paid $3 20 on a salary of $1,600.

Question. Did you collect it that year?

Answer. I called on some of the gentlemen.

Question. In what way was that list made? Describe how it was prepared, whether with the names and the salaries, and the percentage that was assessed, or how was it?

Answer. So far as my recollection serves me, I am not aware that I had a list. I think I had a memorandum book, in which I put down the names of such gentlemen as contributed, knowing their salary and what proportion it would be. That is my recollection of the matter.

Question. Did you collect in 1858?

Answer. I collected on two occasions; it strikes me that one was in 1856, and the other was in 1858.

Question. Do you know for what State or for what purpose that money was collected either in 1856 or in 1858?

Answer. I think the money in 1856 was collected to be appropriated to pay some balance to be supplied in Pennsylvania. If I remember right the democratic State committee had got into debt quite a sum of money, and it was with a view of liquidating that debt that the money was raised. It was just after the October election, I think. There was another collection to pay for some documents that had been printed, to be distributed.

Question. Were not there two assessments made that year—one before the election, and another afterwards, to make up a deficiency?

Answer. That is what I spoke of. I think one was before election,

and another to make up a deficiency. I was under the impression that the deficiency was the only one I had anything to do with.

Question. That one you collected?

Answer. Yes, sir.

Question. Do you know at whose request that assessment was made to make up the deficiency in Pennsylvania?

Answer. I do not; I understood——

Mr. WINSLOW. [To witness.] Don't state what you understood; state what you know, if you please.

The WITNESS. I do not know.

By the CHAIRMAN:

Question. By whose authority was it done? Who was it that requested or directed you to perform this duty?

Answer. I took the paper around at the request of the Commissioner of the General Land Office.

Question. Was it the assessment before or after the election that you collected?

Answer. I think it was after the October election, but I may be mistaken about that. I am not positive whether it was after that election or after the presidential election.

Question. Do you know the total amount of that Pennsylvania deficiency that had to be raised?

Answer. I do not know only from what I heard; I have no other means of knowing.

Question. What was the amount you heard?

Mr. WINSLOW. I object to the witness answering that question.

By the CHAIRMAN:

Question. Who told you what amount was to be raised?

Answer. I think it was the Commissioner.

Question. Did he tell you what the amount was?

Answer. I think so.

Question. How much was it?

Answer. It strikes me that it was $2,500 or $3,000.

Question. That was to be raised in that one office?

Answer. No, sir; that the Pennsylvania democratic State committee had incurred a debt to that amount.

Question. Did all the clerks pay their assessments?

Answer. Nearly all that I called upon. I believe there were but one or two exceptions.

Question. Who collected the first assessment of that year?

Answer. I do not know.

Question. Into whose hands was the money paid after you collected it?

Answer. The money that I procured, I think, I paid over to the then Commissioner.

Question. Now, in regard to the assessment of 1858, how was that done? Was the assessment so much percentage on the salaries—so much on the $1,400 clerks, so much on the $1,600, and so on?

Answer. No, sir, I think not.

Question. Did you collect that?
Answer. I collected some of some of the gentlemen in the office.
Question. Who assisted you in collecting it?
Answer. Mr. Vedder was one, and Mr. Heath, who is now in Iowa, but was then a clerk in the office, was another.
Question. Do you know how many of the clerks refused to pay?
Answer. There were two I recollect of now.
Question. And all the rest paid?
Answer. Yes, sir.
Question. What was the consequence of the refusal of those two clerks to pay?
Answer. I do not know any consequences that resulted from it to them.
Question. Do you know the names of the two who refused to pay?
Answer. Yes, sir, I know them.
Question. Give us the names, if you please.
Answer. Mr. King was one. I do not know his given name; he is a clerk in the office. The other was an old gentleman; I cannot recall his name now, but I know him very well.
Question. Did not a Mr. Stansbury at first refuse?
Answer. I did not call upon Mr. Stansbury.
Question. Did Mr. Slocumb assist you in collecting that assessment?
Answer. No, sir.
Question. I believe you have already stated that the money was for Pennsylvania, some before the election, and some after, to pay a deficiency.
Answer. I understood it was for Pennsylvania; I was told so. I stated that to the gentlemen I called upon as the object.
Question. Was it not generally understood by you that this assessment was authorized by the department?
Mr. WINSLOW. I object to any understanding. Whatever was said by the Commissioner, who put the list in the hands of the witness, is competent.

By the CHAIRMAN:

Question. Did not the Commissioner state to you that the President authorized this collection to be made?
Answer. No, sir.

By Mr. WINSLOW:

Question. What became of Mr. King?
Answer. He is in the office now.
Question. And the other one, the old gentleman you spoke of?
Answer. He is there now.
Question. How much did you subscribe?
Answer. I subscribed $3 20.
Question. Was that given voluntarily on your part?
Answer. Yes, sir.
Question. Was there any order of the Land Office making it compulsory upon the clerks to pay anything?
Answer. No, sir.

By the CHAIRMAN:

Question. You say you gave $3 20 at one time. How much was it you gave at the other time?

Answer. There was a voluntary contribution at one time and I think I gave $5 or $10.

Question. The one was voluntary, and the other was a direct assessment.

Answer. It was no assessment, but we were requested to give that amount, if we were willing.

By Mr. WINSLOW:

Question. You say this subscription was voluntary?

Answer. Yes, sir.

Question. And in ascertaining the amounts you took what you supposed the persons were able to pay?

Answer. Yes, sir.

Question. And there was no order making an assessment upon the clerks?

Answer. No, sir. The Commissioner directed me expressly to state to the gentlemen that there was no compulsion whatever in the matter; that if they were perfectly willing to pay this amount for the object stated he would be pleased to have them do it.

No. 24.

TUESDAY, *April* 17, 1860.

NICHOLAS VEDDER called and sworn.

By the CHAIRMAN:

Question. Are you a clerk in the General Land Office?

Answer. Yes, sir.

Question. How long have you been there?

Answer. Since May, 1847.

Question. Do you know of an assessment made for political purposes upon the clerks in 1856?

Answer. I do not know of any assessment.

Question. Well, contribution, then.

Answer. I contributed.

Question. Do you recollect the amount?

Answer. I do not recollect now the amount I contributed: $2 or $3, somewhere in that neighborhood.

Question. In 1856?

Answer. Yes, sir; I think it was.

Question. Was there more than one contribution that fall?

Answer. Not that I recollect of.

Question. Have you any knowledge of an assessment made to make up a deficiency?

Mr. WINSLOW. I object to the word "assessment." I understand the witness to say that he knew of no assessment.

The WITNESS. I know of no assessment at all, as far as my knowledge extends; I gave of my own free will.

By the CHAIRMAN:

Question. Was it once or twice that fall?
Answer. The fall of 1856.
Question. Yes, sir.
Answer. Not but once, to my recollection.
Question. Did you assist in collecting?
Answer. I went around with the list in the division I had charge of, in the office, and some gave one amount and some another.
Question. How was it made; in proportion to their salaries, or otherwise.
Answer. Well, sir, I gave so much; and when I asked gentlemen I told them to give whatever they thought proper; that was all I said; I do not know about any regulation in regard to salaries.
Question. How was it in 1858; was there more than one contribution taken up that fall?
Answer. I believe so, in 1858.
Question. Was not one of them an assessment, and the other a contribution?
Answer. No, sir; there was no assessment, so far as I was concerned.
Question. Did you assist in collecting that?
Answer. I did, within my division.
Question. By whose direction?
Answer. Well, I was requested—I was not directed to do so—to carry the list around in my division; that is, to collect it.
Question. By whom?
Answer. By Mr. Hendricks, I believe, who was then Commissioner; it was a request.
Question. Was not the first collection that fall a contribution, and the other a percentage assessment?
Answer. I did not so understand it.
Question. How was it; had you the amount of the salaries in a column? Just explain how it was.
Answer. I can explain so far as I was concerned; I do not know anything further than that; I said that I gave so much myself, and they could give as much as they pleased; some gave $1; some $1 50, and some $2; I gave between $2 and $3 myself.
Question. At which time; the first or the last?
Answer. At the last time.
Question. How much did you give the first time; do you recollect?
Answer. I do not really recollect what I did give.
Question. Was it $10 or upwards?
Answer. No, sir; I do not think it was that much.
Question. Not so much as $10?
Answer. No, sir; it was voluntary altogether.
Question I only wanted to get at the amount?
Answer. I do not recollect now what the amount was; it would be

impossible for me to tell ; honestly, I never charged my memory with it, and never expected to be called upon to testify in regard to it.

By Mr. OLIN :

Question. Did you know the amount it was desirous to raise ?
Answer. No, sir.

By the CHAIRMAN :

Question. Were you not told that there was a certain deficiency to be made up at the time you made that second collection ?
Answer. No, sir ; I do not recollect that there was any amount stated.
Question. Did you know what that money was for ?
Answer. I can tell you what I heard.
Question. From whom did you hear it ?
Answer. I do not recollect now ; it was mere rumor.

Mr. WINSLOW. I object to any rumor.
The WITNESS. I had no definite information in regard to it ; no one ever told me directly.

By the CHAIRMAN :

Question. Who assisted you in collecting this ?
Answer. No one accompanied me.
Question. You were alone in your own division ?
Answer. Yes, sir ; and after I got through I handed it over to some one ; I do not recollect now to whom.

By Mr. OLIN :

Question. You handed it to Mr. Hendricks did you not?
Answer. No, sir ; I think I handed it to some other person.

By Mr. WINSLOW :

Question. I suppose you gave it to Cramer ?
Answer. Yes, sir ; I think I did give it to Mr. Cramer.

By the CHAIRMAN :

Question. Do you know the amount you collected in your division?
Answer. No, sir ; I could not tell to save my life.
Question. Did all pay ?
Answer. Some paid and some did not ; some said they could not pay, they were poor, and were not willing to pay ; there was no compulsion about it at all ; that I stated when I went to them.

By Mr. WINSLOW :

Question. What did you state, so far as you can now recollect ?
Answer. That it was not compulsory ; that there was no compulsion about it, so far as I understood it.

By the CHAIRMAN :

Question. Did you not feel that it was obligatory upon you to contribute to pay that deficiency while you were holding office there?

Answer. No, sir, I did not; I have always felt independent since I have been in the office, able to live without office.

Question. Did I ask you whether you knew the amount of the deficiency to be raised?

Answer. You asked the question, sir; and I answered that I did not know.

Question. Was it the head of each division that made the collection?

Answer. No, sir, I think not; Mr. Cramer is not the head of a division.

Question. Who is the head of his division?

Answer. Dr. Brown.

By Mr. WINSLOW:

Question. I understand that these contributions by you were purely voluntary?

Answer. Yes, sir; that is the way that I understood it.

Question. Was there any order of the Land Office, or of the department, assessing the clerks or compelling them to contribute?

Answer. I did not so understand it.

Question. Were you so informed by Mr. Hendricks when he requested you to take the list?

Answer. He did not tell me so. He only said that he wanted to raise some money; that was all.

Question. You gave that money to your party purely voluntarily?

Answer. Yes, sir; as I had done before and would do again. I have been in the habit of doing what I could for the democratic party ever since I have been old enough to vote, and I will do it again.

No. 41.

TUESDAY, *May* 1, 1860.

JOSIAH M. LUCAS called and sworn:

By the CHAIRMAN:

Question. I understand that you were a clerk in one of the departments. If so, in what department was it?

Answer. I was a clerk in the Land Office, Department of the Interior.

Question. Will you tell us all you know about the collecting and raising of money there for political purposes?

Answer. I can give all the information I have, probably, in a very few words. Whilst I was a clerk in that department, levies were made upon various occasions upon the clerks for funds, and on every occasion I dissented. It was against my feelings and my principles. They did not come on all occasions to me; but the last occasion, to which I took exception, was one on which they wanted to raise a fund

of eight or nine thousand dollars in the various departments. That, however, I do not know, but such was the statement made to me.

By Mr. WINSLOW:

Question. Say nothing about statements or hearsay, if you please.

Answer. The list of the clerks was made out, their names in one column, their salaries in another, and the percentages levied in another column. This list they presented to me and five others in the room, all of whom paid but myself. I looked at the list, and asked the two gentlemen who brought it who sent them to me. They said they were not going to answer me any questions, but asked me if I would pay. I told them "No;" and that is pretty much the substance of all the information I have They went, as I saw, in the different rooms I happened to have business in, to the different clerks and presented this list to them, and they paid their pro rata assessment. The information that we received was that it was to raise a fund to pay off a debt that had been contracted in Pennsylvania, which they expected to have raised out of Congress, but it adjourned without raising this amount, and they had to raise it in another way.

By the CHAIRMAN:

Question. Who carried that list into your room?

Answer. The persons who carried the list around for the portion of the office in which I was were Mr. Cramer and a Mr. Slocumb, who hails from Mississippi, but is recognized, probably, as an Indianian. They brought the list around, and there were four or five other clerks in the room besides myself. I refused to subscribe. My friends all told me that I better subscribe, but I told them that I could not, with my views of the case; and I denounced it in the public prints.

By Mr. OLIN:

Question. Do you recollect about what the percentage was upon the salaries?

Answer. I do not, exactly; I think it was between two and a half and five per cent.

By the CHAIRMAN:

Question. You say that it was an assessment, and that you refused to subscribe?

Answer. It was a regular assessment. It was upon paper that I recognized as coming from a certain office. The names, the salaries, and the amounts to be paid were all put down.

By Mr. TRAIN:

Question. Where did the paper come from?

Answer. From the Department of the Interior. It was the same kind of paper as the pay clerk uses. On a previous occasion an assessment was made in the middle of the month, when the clerks had no money, and the amounts were afterwards deducted from their pay by the pay-clerk.

By the CHAIRMAN:

Question. Was that an assessment or a subscription?

Answer. I will not be certain whether it was an assessment or a subscription. At all events the money was deducted from the pay of the clerks by the pay-clerk.

By Mr. ROBINSON:

Question. When was that first assessment that you speak of?

Answer. I cannot be certain as to the exact time; it was during the struggle between Douglas and Lincoln.

Question. When was the last assessment made?

Answer. About two years ago, I think; somewhere about that time; I cannot fix the date precisely.

Question. There was none of that fund raised to help Douglas, I suppose?

Answer. No, sir, I think not; I know the democrats as well as the others in the office denounced the matter, but yet paid; I know a great many of them denounced the principle, but paid to buy peace, as they said.

Question. Were you for Douglas?

Answer. No, sir; I was for Lincoln; I was a whig, and had never voted for a democrat in my life, I think.

Question. When did you leave the office?

Answer. It will be two years in September next.

Question. Did you resign, or were you discharged?

Answer. I resigned because I believed I would be removed.

By Mr. WINSLOW:

Question. Under whom were you first appointed to office?

Answer. I received a temporary appointment not long after General Taylor came in, and was given a permanent appointment by Mr. Fillmore.

Question. How long did you hold office?

Answer. I was removed by Mr. Pierce, but while I was away I was reappointed again, without any application on my part; I continued in office until I resigned under Mr. Buchanan.

Question. I understood you to say that you were for Lincoln and not for Douglas?

Answer. Yes, sir; I wrote political articles in his favor, which were published in the west.

Question. You supported Mr. Lincoln's election, and wrote for him in the western papers?

Answer. Yes, sir.

Question. You used the word "levied" in the first part of your testimony. Do you mean to say that these contributions of the clerks were forced contributions? Were any threats held out by the persons who brought the list?

Answer. No, sir; not in my presence.

Question. How long after your refusal to contribute was it that you resigned?

Answer. Very soon after; a month or less, perhaps.

Question. What is your present occupation?

Answer. I hold the office of postmaster of the House of Representatives.

Question. In your election as postmaster, did you make any agreements with members of Congress to give office under you?

Answer. No, sir.

Question. Were you approached upon that subject by any member of Congress?

Answer. I was approached by one man, I recollect, who said to me: "if you are elected, I want an office for a friend of mine, but I don't want you to make any pledges."

Question. Did you do so?

Answer. I did not.

By Mr. TRAIN:

Question. Was that before or after your nomination?

Answer. It was about the time of the nomination; but I do not remember whether it was before or after.

By Mr. WINSLOW:

Question. You gave no pledges to any member of Congress, either directly or indirectly, in regard to any patronage of your office?

Answer. No, sir; not while I was a candidate. One man alleged that I gave him a pledge, but I denied it.

Question. Who was he?

Answer. A man from Indiana, who applied for a place for himself.

Question. Then you came into office with no agreement, either directly or indirectly, with anybody in regard to the patronage of your office?

Answer. Yes, sir.

By Mr. ROBINSON:

Question. What papers did you write for?

Answer. For the Jacksonville and Springfield papers.

No. 42.

TUESDAY, *May* 1, 1860.

STEPHEN G. DODGE called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I have been in Washington the most of the time for the last seven years.

Question. What have you been engaged in?

Answer. I was for six years and over a clerk in the Pension Office.

Question. When did you resign? Or were you removed?

Answer. I was removed on the 10th day of August last, by a letter from the Secretary of the Interior; the letter was delivered to me by the Commissioner of Pensions; I asked him the very natural question, upon what grounds I was removed; he said that he understood that it was on the ground of political unsoundness, and referred me to the Secretary of the Interior for fuller explanation as to what the special

grounds were; I went to the Secretary immediately, and he informed me that I was removed because there was a necessity for the reappointment of a clerk who had been dropped on the 8th of July, I think, among a large number who were dropped from the Pension Office at that time in consequence of the reduction of the clerical force; the Secretary said they had not anticipated such a pressure from the State of New Jersey for the reinstatement of this man as they had experienced; I replied to him that if that was all I thought it quite unnecessary for the Commissioner of Pensions to have referred me to him for the reason of my removal; he then stated that the cause of my removal, so far as it was personal to anybody, was political unsoundness; he said that the accusation of political unsoundness had been made against me repeatedly during my official incumbency, but that in every instance he had received such favorable accounts from the Pension Office of my official ability and integrity of character, to use his own words, that he had resisted; he stated also that this accusation had been lodged against me for an entire month previous to my dismissal from office.

Question. Did he state who had lodged the accusation?

Answer. Not to me.

Question. Did you know who had lodged it?

Answer. The Secretary told me that there never had been any accusation in writing presented against me or filed in the department. Now, as I had never been, since I was a voter, a whig or an anti-slavery man or a know-nothing, and as I knew the Secretary had received information that I had made a voluntary affidavit that I never was a know-nothing, I at once understood the grounds upon which I was dismissed from office, and what he meant when he used the phrase "political unsoundness."

By Mr. ROBINSON:

Question. What did you understand him to mean by that?

Answer. I could not imagine that he meant anything else than that I was opposed to the President's views upon the subject of the Lecompton constitution.

Mr. WINSLOW. Are the imaginings and opinions of the witness competent testimony?

Mr. ROBINSON. He says the Secretary told him that he was removed for political unsoundness, and that the Secretary knew that he had made a voluntary affidavit that he never was a know-nothing.

The WITNESS. I said that the Secretary had received information that I had made such an affidavit.

Mr. ROBINSON. And then I asked him what he understood the Secretary to mean by "political unsoundness?"

Mr. WINSLOW. Do you think that is testimony?

Mr. ROBINSON. I think it is evidence of the impression made upon his mind.

Mr. WINSLOW. I think it is merely an inference for argument which any of us can draw as well as the witness.

Mr. TRAIN. Ask the witness what he himself understood was his political unsoundness.

Mr. WINSLOW. That comes around to the same thing.

The WITNESS. I should like to make a statement which I do not wish to go down upon the record as testimony.

The witness then proceeded to state that he had asked Governor Willard, of Indiana, to find out what was the reason of his removal; and that in a day or two after the Governor had met him and told him that he had not been able to see the President, but he had gone to the department and there seen a person, but would not state who that person was, or what was said, as it was confidential.

Mr. WINSLOW objected to any conversation or narrative of the witness in the committee-room before the committee, that was not to be recorded in the testimony.

Mr. ROBINSON said that he desired to hear what the witness had to say, and then the committee could decide whether any portion of it was competent testimony.

Mr. WINSLOW objected to the witness making any such statement before the committee.

The vote being taken, it was decided that the witness be allowed to proceed: yeas 3, nay 1, as follows:

Yeas—The Chairman, Messrs. Train and Robinson.

Nay—Mr. Winslow.

Mr. WINSLOW then asked that the witness leave the room for a few moments.

The witness was accordingly requested to leave the room, which he did.

Mr. WINSLOW then stated that his principal reason for objecting to the statement of the witness was, that he understood the conversation alluded to by the witness to be a confidential one between Governor Willard and some officer of the government, and he (Mr. Winslow) would not consent to have any such confidential conversations revealed in this manner.

Mr. ROBINSON said that he did not so understand the witness; that nothing confidential was proposed to be revealed, and he himself should be opposed to it.

After some further conversation between the several members of the committee present,

The witness was recalled.

Mr. WINSLOW desired the clerk of the committee to take down the narrative of the witness, if it was to be given at all before the committee.

By Mr. TRAIN, [to witness:]

Question. Did Governor Willard tell you that this conversation he had had with the Commissioner was a confidential one?

Answer. He did not say with whom he had conversed. What he said to me was not confidential.

Question. Did he tell you that the conversation he had had with some one was confidential?

Answer. By no means. He told me what he chose to tell me. What he withheld was what he said was confidential. He said that he had had a conversation with a person whose name he refused to

disclose to me. He had previously said he had not been able to see the President. I asked him if it was the Secretary of the Interior with whom he had had a conversation, and he declined to answer that question. He then stated to me that the ground that I had alleged, on the authority of the Secretary of the Interior, for my removal from office was not the real ground. I then told him that I had received that from the Secretary of the Interior himself. I do not know how much of his reply you want down. But he raised both hands and said, "There was a g—d d—n lie out somewhere!" I can only speak the results as to the rest.

By Mr. ROBINSON:

Question. What did he say you had been removed for?

Answer. He did not give any reasons. He said he was not at liberty to state the grounds for my removal.

By the CHAIRMAN:

Question. Did he tell you who had demanded your removal?

Answer. I ascertained that; but I cannot positively give the specific grounds upon which I came to that conclusion. But it is just as certain and positive in my mind as if I had had the most positive proof of it, and I am a lawyer of twenty-two years' standing.

Question. Who was it?

Mr. WINSLOW. I object to that; that comes to his opinions at last.

The WITNESS. I know in my own mind; I am just as certain about it as if I had seen and heard everything.

By Mr. ROBINSON:

Question. Had you been talking politics about the office, and making your views known?

Answer. I was not in the habit of talking politics much in the office.

Question. How did your views come to be known?

Answer. Well, I am a free man——

Question. What I want to know is, did you talk with anybody, and tell them what your views were?

Answer. Certainly; I claimed the right to freedom of speech. When I found myself differing with the administration in regard to the simple question of the Lecompton policy, I scrupulously refrained from writing for the public press, because I thought I had no right to be openly in opposition to an administration under which I held office. But in private conversation I felt I was at perfect liberty as an American citizen to express my views quietly, whatever they might be.

Mr. WINSLOW. I think that is a very just view myself.

Mr. ROBINSON. I do not know as there is much of this that is testimony.

By the CHAIRMAN:

Question. Can you give any information as to the manner of raising money in that department for political purposes?

Answer. I know that a contribution was raised in the Pension

office, I think it was in 1856, to aid the administration party in the State of Maryland, I was not called upon to contribute to it, and I doubt if I was present when the contribution was raised.

Question. Tell us that which you know about.

Answer. In 1858, I think in the spring, after the Lecompton controversy arose, the Indiana club, of which I had been a member, was reorganized, and we, the members of the club, were called upon to contribute to a fund for the distribution of Lecompton documents in the State of Indiana.

Question. What do you mean by the "Indiana club?"

Answer. A club composed of Indianians temporarily resident in Washington.

By Mr. WINSLOW:

Question. Was it a voluntary thing?

Answer. I do not know how voluntary it was.

Question. Was the club got up by orders of the department or by the government? That is what I want to know.

Answer. I cannot answer as to that distinctly.

By the CHAIRMAN:

Question. Tell us what your knowledge of it is?

Answer. I could tell you very plainly what my ideas of it were, but that would not be evidence, I suppose.

[The witness then stated, without its being taken down by the reporter, the particulars about the Indiana club, and also about a contribution to pay a debt of the Keystone club, for documents furnished by them to various States.]

Mr. WINSLOW. If the club was a voluntary organization, we have nothing to do with it.

By the CHAIRMAN:

Question. I want to know whether this was an assessment or a contribution.

Answer. I regarded the thing as a matter of moral duress, that is all. I had drawn up the articles of the association originally. The original organization of the club was entirely voluntary. The reorganization I regarded as under moral duress.

Question. In what year was that reorganization?

Answer. In 1858, after the Lecompton message.

Question. Tell us what you know about that reorganization?

Mr. WINSLOW. This opens the door to an immense investigation. I could put any of you gentlemen upon the stand and question you about any organization to which you may have belonged.

By the CHAIRMAN:

Question. State what you know about a paper that was handed around relative to raising money to meet a deficiency of the Keystone club, and the manner in which that money was paid or to be paid.

Answer. In the spring of 1858——

Question. Was it the spring or summer?

Answer. In the spring or summer of 1858, or some time in 1858,

a paper was presented to me for signature, headed, as near as I can recollect, in these words:

"The undersigned request the disbursing clerk of the Department of the Interior to retain out of our salaries for the current month the sums set opposite our respective names."

Question. In whose handwriting was that paper drawn?

Answer. It was apparently in the handwriting of the Commissioner of Pensions.

By Mr. WINSLOW:

Question. The present Commissioner, Mr. Whiting?

Answer. Yes, sir. The subscription was headed with the name of the Commissioner with the sum of $10.

By the CHAIRMAN:

Question. Did you know it to be his handwriting?

Answer. I say it was apparently in his handwriting. He has clerks in his office who frank his name, and whose handwriting is almost exactly like his. I could scarcely distinguish between their writing and his. It was apparently in his handwriting.

By Mr. ROBINSON:

Question. Go on and state what else you know about it; what other names were to the paper?

Answer. The name of the chief clerk, who I think was absent, was also down for the sum of $10, I think.

By the CHAIRMAN:

Question. In whose handwriting?

Answer. I think that was in the handwriting of the Commissioner; I think that Mr. Boyington's name was also down, and the best of my recollection is that he also contributed $10; I was asked to sign the paper, but objected to doing so, on the ground that I had already contributed $25 to the funds of the Indiana club for the purpose of circulating the same kind of documents; but being advised by some friends that it would be better to make the contribution I did so; and in a conversation with the Commissioner of Pensions himself, I said to him that I had done it upon the principle of life insurance—to insure my office to me.

By Mr. ROBINSON:

Question. What reply to that remark of yours did he make?

Answer. I do not remember of his making any answer; I presume he had acted upon the same principle that I had; that is only my presumption, however.

By the CHAIRMAN:

Question. Did all the clerks subscribe?

Answer. I do not know.

Question. How was this money finally paid?

Answer. The disbursing clerk of the Department of the Interior refused to retain the money, alleging that it was in violation of law for him to pay a cent less to any officer of the government than what

was due to him; and the money was then voluntarily handed over by the clerks to some person; I do not remember whom.

Question. You do not know who was the agent to collect that money and hand it over?

Answer. I do not remember.

Question. Was there any other contribution raised that you know of?

Answer. A similar contribution was levied in the shape of a subscription to the "Constitution" newspaper, soon after that was started.

Question. How was that; compulsory or otherwise?

Answer. It was not in terms compulsory.

Question. Was it understood to be so? Did you understand it so yourself?

Answer. I had absolutely declined to subscribe for the paper; but I was advised by several persons to do so, persons who were my particular friends, and who intimated to me that it was best for my own interests to do so.

Question. What did you understand by these intimations?

Mr. WINSLOW. I think it would be better for the witness to state the language of what was said to him.

The WITNESS. I could not repeat the exact language; I do not think that reasons were given; I think it was generally in the shape of advice simply to do it; advising me as a friend to subscribe for the paper; it was a subscription for one year.

By the CHAIRMAN:

Question. To what did your contributions, or the assessments on you, for that year amount?

Answer. It amounted to $30 on the Lecompton business.

Question. Anything for elections?

Answer. For the election in Maryland—I think it was the Baltimore city election—it was $5.

Question. And how much for the subscription to the "Constitution?"

Answer. That was $6, which I did not pay, however, for I was turned out about a month after I had put down my subscription; the clerks generally in the office paid; the paper was taken by a large majority of the clerks in the office who were not before in the habit of taking it.

Question. Do you know of any person losing his place because he declined to subscribe these amounts?

Answer. I know several who declined to subscribe for the "Constitution," but they afterwards did subscribe.

Question. Do you know of any one being removed who declined to pay these contributions, or to subscribe?

Answer. I cannot say that I do positively; I am not certain of it; I did not absolutely witness any such fact.

Question. Have you any reason, satisfactory to yourself, for believing that any person was removed for that?

Answer. I am satisfied that Mr. Samuel V. Niles was removed from the Land Office for that; I have not the slightest doubt of that.

By Mr. ROBINSON:

Question. What Mr. Niles was that?

Answer. He was a claim agent here, a partner of Judge Young.

THURSDAY, *May* 3, 1860.

CORNELIUS WENDELL recalled.

By the CHAIRMAN:

Question. I wish to ask you a few further questions concerning the elections in Pennsylvania. When you had interviews with Mr. Buchanan previous to the election in Pennsylvania in 1858, did you not freely talk with him in regard to the use of money to carry certain districts?

Answer. I talked with him freely as to the use of money in elecitons; I do not remember as to any specific districts; I talked about the expenses of elections generally, the large amounts used; yes, sir.

Question. Did you not tell him that you were compelled to use large amounts of money?

Answer. I cannot say that I told him I was compelled.

Question. That you were using large amounts of money?

Answer. He was cognizant of the fact that I contributed largely for elections.

Question. You had conversations with him upon that subject?

Answer. It was the subject of conversation at different times, the amounts that I contributed.

Question. What was the character of the several letters from Pennsylvania that he read you portions of during one of the interviews you had with him about carrying certain districts? How was it to be done?

Answer. I think the most of them wanted material aid; they made suggestions as to aid required in different districts generally, and the political affairs of their several districts.

Question. Why did he call your attention to those letters calling for that kind of aid? Was it because he expected you to attend to it?

Answer. Well, I do not know indeed what the motive was; our conversations were generally about politics and the contest going on; and the letters might have been shown in connexion, which in those days were generally political, almost always; I might say my conversations with him were always of a political character.

Question. On what occasion was it that you had these long interviews with him? Was it not immediately before the election, and relative to the means to be made use of to carry the elections?

Answer. Well, I could not say; I had them at different times. I presume during the time of elections I had some long interviews, and again at other times. I do not call to mind any particular date, when these interviews were held. They were held at different times during all my intimacy with him.

Question. On what days of the week did you have long interviews with him? Can you recollect?

Answer. Pretty much every day, I should presume. I do not remember any particular day of the week.

Mr. OLIN, [to the Chairman.] Do you suppose he took Sundays for that purpose?

The WITNESS. I have had interviews with him on Sundays.

By the CHAIRMAN:

Question. Was it not your habit, previous to the election, to spend the Sabbath day with Mr. Buchanan, conversing freely upon political matters, and particularly with regard to the use of money to carry elections?

Answer. I cannot say it was a usual habit. I saw him on Sundays; could not say how many.

Question. I am referring to immediately preceding the elections.

Answer. Yes, sir; I may have seen him on one or two Sabbaths immediately preceding the fall election of 1858.

Question. On those occasions had you conversations with him on that subject?

Answer. Conversations on politics?

Question. In connexion with money matters.

Answer. The expenses of the elections would usually come up during the conversations.

Question. Did Mr. Buchanan object to carrying elections or helping to carry them in that way?

Answer. Never to me.

No. 55.

THURSDAY, *May* 10, 1860.

ROBERT DARLINGTON called and examined.

By the CHAIRMAN:

Question. Where do you reside?
Answer. In Philadelphia, sir.
Question. What is your present business?
Answer. I am inspector of customs.
Question. Were you supervisor on the Columbia railroad in 1856?
Answer. I was.

Question. Did you at that time distribute any naturalization papers at Parkesburg or any other point?

Answer. Before I answer that question I would like to know whether there has been any allegation made against me. I have no objection to answer all questions you may ask me, so far as I know.

Question. That is a plain question; you can say yes or no.

Answer. Well, sir, I did not; I never had one in my hand to know it to be such, and never saw one.

Question. Did you not tell some person engaged in the custom-house at that time that you had taken such papers?

Answer. No, sir, never.

Question. Did you distribute any kind of naturalization papers?

Answer. No, sir.

Question. Do you know of any persons being engaged in that.

Answer. No, sir, I do not. I had a good many men in my employ upon the railroad, and a good many of them got naturalized; I sent them down to Philadelphia, and they went to some place there. I sent them down to the committee at headquarters. I do not know whether they got papers or not; I suppose they did, and they were legal, for anything that I know of. I have heard it rumored about that fraudulent papers were used by both parties, but I never saw one.

Question. Did you say that you did not take any papers of any kind to Parkesburg?

Answer. Yes, sir; I never did.

Question. Was it possible that all this stir could be made about that, and prosecutions entered, and men convicted, and yet you never know anything about it?

Answer. There might have been thousands of them issued, and yet I might not know it. I heard it rumored that there had been such papers in use, but I never saw one to know it to be such.

Question. Do you know Dutch Chris?

Answer. I may, probably; not by that name.

Question. He was messenger, in the custom-house, to the appraiser, in 1856.

Answer. I know the man now to whom you allude. I know him when I see him and that is all. I never had any acquaintance with him.

Question. Do you not know him to have been absent from his duties?

Answer. No, sir; he might have been away and I not know it.

No. 59.

THURSDAY, *May* 17, 1860.

THOMAS J. McCAMANT called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. When I am at home I reside in Pottsville, Pennsylvania.

Question. What is your occupation here; what situation do you hold under government?

Answer. I hold the position of pay-clerk in the Auditor's office for the Post Office Department.

Question. Were you secretary to the Pennsylvania club in 1856 or 1858?

Answer. I was secretary at both times—in 1856 and 1858.

Question. In that capacity what services did you render; what were your duties?

Answer. My duties there were to keep a correct account and minutes of the proceedings of the club. I also notified different gentlemen holding office from Pennsylvania that such a club was in existence at that time, and invited them cordially to join us.

Question. What do you know about raising and sending money to Pennsylvania at that time?

Answer. I know nothing at all about it. We were engaged in sending out documents—that was the object of the club—in favor of the Lecompton constitution.

Question. In what way did you raise your money for that purpose?

Answer. The money raised for that purpose, I believe, in the first place was intended to be raised by democratic members of Congress. I think that was the impression; at least that was the impression that Mr. Jones left upon the minds of members of the club; but I think it was raised afterwards by contribution?

Question. Contribution from whom?

Answer. I think it was done by the office-holders.

Question. In the different departments?

Answer. In the departments; I think so, sir.

Question. How was it raised; by assessment?

Answer. I think a paper was sent round, and they were left free to subscribe what they pleased. I know that I contributed towards it. The money that was raised was all paid for documents that had been printed.

WEDNESDAY, *May* 23, 1860.

CORNELIUS WENDELL recalled.

By Mr. WINSLOW:

Question. You have said you made this proposition to the President about transferring from Mr. Rice the money for the post office blanks; when did you make this proposition?

Answer. About the adjournment of the last Congress, I think, if my memory serves me.

Question. How did you make it?

Answer. I think the first proposition was in writing through Judge Nicholson; if I recollect aright, I wrote a letter to the President, and requested Judge Nicholson to call on the President with it.

Question. Was this on your own motion, or were you invited to do so?

Answer. On my own motion.

Question. Do you know whether that letter was ever handed to the President?

Answer. Only from Judge Nicholson's report to me.

Question. You said, sir, as I understood you, that you made this proposition directly to the President in person?

Answer. No, sir.

Question. I understood you to say you had a conversation with the President on the subject?

Answer. Yes, sir.

Question. When was that conversation held, before or after this letter which you say you addressed to him through Mr. Nicholson?

Answer. I think it was before; I am not certain.

Question. You think it was before?

Answer. Yes, sir.

Question. Where was it; at his house?

Answer. Yes, sir.

Question. Had he sent for you or did you go of your own accord?

Answer. I went on my own volition.

Question. Was anybody present?

Answer. No, sir; I am not in the habit of having conversations of that kind in the presence of third parties; no person was present, if my memory serves me.

Question. What was the substance of that conversation?

Answer. That the burden of the support of the "Union" and the payments to other parties were too onerous upon me for the work that I received.

Question. You manifested a disposition to get rid of the "Union" to him?

Answer. Yes, sir.

Question. Do you recollect what the President said to you?

Answer. Not particularly.

Question. He did not assume to enter into any bargains or enter into details at all?

Answer. Not at all.

Question. Is this a correct copy of a card you published in the "Union:"

"WASHINGTON 'UNION,' *December* 11, 1858.

"A CARD.—My attention has been called to a paragraph in a letter to the New York Times, of the 9th instant, in vague and general terms, that the President had caused certain money, justly due to some individual, to be used for electioneering purposes. With this accusation my own name has been so generally used in conversation that I feel constrained, publicly and emphatically, to deny all knowledge or belief of any fact which can warrant it, and to declare that President Buchanan never did authorize, advise or request me, directly or indirectly, to use either my own money or that of any other person for any purpose like that mentioned in the paragraph referred to, or in any manner affecting any public election.

"C. WENDELL."

Answer. I presume it is.

Question. Did the President send for you about this printing?

Answer. Yes, sir.

Question. What was the subject?

Answer. I think this card was the subject; or an attack upon him in relation to it.

Question. Did he ask you, or suggest to you, that you should write that card?

Answer. Not personally, sir.

Question. Then you never had a conversation with him on the subject of that card, I believe?

Answer. No, sir; but allow me to state that Mr. Baker did ask me, and said that the President wished him to ask me.

May I state more about this card? Gentlemen, about September—some time in the month of September—I suggested the stoppage of the payment to the "Pennsylvanian," on my own volition, believing that the money was thrown away there. I stopped it. I had two reasons for it. One was, I wanted some of the profits myself, for I was running into difficulties, and I thought I was entitled to some of the profits. I suggested it to the President, and without his direction I stopped it. He did not direct this stoppage. He did not direct it to be done, nor dissent. He would say this whole subject of the printing is a source of annoyance to me, do as you please. I suspended the payment, and Mr. Rice, of course, was highly indignant, and he made diverse statements, which were caught up by the reporters, and this attack was made. Mr. Baker told me that the President wished me to make this statement. He brought it to me already written, and I signed it. It was, and is true, in every particular. I will read it: "My attention has been called to a paragraph in a letter to the 'New York Times' of the 9th instant, in vague and general terms, that the President had caused certain money, justly due to some individual, to be used for electioneering purposes," He never did. "With this accusation my own name has been so generally connected in conversation, that I feel constrained, publicly and emphatically, to deny all knowledge or belief of any fact which can warrant it, and to declare that President Buchanan never did authorize, advise or request me, directly or indirectly, to use either my own money or that of any other person, for purposes like that mentioned in the paragraph referred to, or in an y manner, affecting any public election." That is all true.

h did was of my own volition. I thought the money could be better applied to partisan purposes, and I took the responsibility.

Question. Mr. Wendell, what is the reason that you employed Mr. Crowell to print these post office blanks?

Answer. He had printed them for a great many years. He had all the requisite materials and machinery, and could do them much cheaper than I could myself. It saved a total of several thousand dollars, he having the machinery fit for that work.

Question. I ask you if it was not considered that $10,000 per annum would be about the extent of the profit that could be derived out of it?

Answer. Ten thousand dollars was mentioned.

Question. Was it not considered that that would be his portion of the profits derived from these blanks?

Answer. I could not say that. The subject was much discussed, daily and weekly. He was to be secured, and was to have about ten thousand dollars.

Question. Then that sum you considered about the fair proportion of the profits for him, you having a fair profit for the work. That impression was created by the fact that in consequence of this stereotyping establishment it could be done cheaper than the printer could do it?

Answer. Yes, sir; I could not do it at that price.

Question. Then it was ascertained afterwards that Mr. Rice was receiving a much larger sum from this business than was in the contemplation of any of those who gave it to him at the time; and in consequence of that, I ask you if it was not considered expedient that a portion of those profits, exceeding that which anybody contemplated at the time, should go to this other office?

Answer. You remind me of it; it was so.

Question. That is making a fair profit? The allowance was made in ignorance of these improvements. It was supposed that the "Pennsylvanian" would be receiving $10,000 a year; but it having afterwards been found that the profits were very much greater, it was considered but fair that a portion of it should be diverted to somebody else.

Answer. You have it correctly.

Question. It was not then in addition? You did not pay any more by paying to the "Argus" this $5,000, for it was a mere diversion from one party to another.

Answer. That is the idea. You have it correct in the main.

Question. Now I want to ask you when you had this conversation with the President in relation to the substitution of the "Argus?"

Answer. I cannot tell. I was in the habit of seeing the President almost daily. He never went into details. He would say, "Well, now, settle it." Sometimes some of the parties interested would be there. I should have a demand made upon me, and I should say to the President that I was called upon in this way; and he would say, "well, settle it." He did not wish to be troubled with it. I do not wish to be understood as saying that the President said, "Wendell, if you do not do this I will do that;" but I have seen enough to take a hint.

Question. At these conversations with the President who were present?

Answer. On some occasions Mr. Bigler, I think, was present.

The WITNESS then said to the committee: When I was last before this committee, I was asked concerning a payment of $250 to "Mr. Foster, Pennsylvania," and I said I would look over my accounts and endeavor to find some explanation of it. I have searched my books, every one I have, and I find this charged to political expenses; but whether it went to Mr. Foster's district I cannot say.

Question. Did I ask you before whether there was any other Foster in Pennsylvania for whose election you contributed?

Answer. I do not know that I contributed to the election of this Foster.

Question. In your account book you have down, "Foster, Pennsylvania, $250;" now, what Foster was that?

Answer. I cannot tell; it may have been the Foster running now for governor, and it may not.

Question. Do you know any other Foster?

Answer. I do not.

Question. And you have no memorandum to show whether you paid that money to Mr. Foster here or in Philadelphia?

Answer. I have not.

Question. Was he here about that time?
Answer. I do not remember seeing him.

By Mr. ROBINSON:

Question. I believe you stated on a previous occasion that you regarded spending money in that district as useless; that it could not be carried any way?

Answer. Yes, sir; and I know that I obtained that impression from conversations with Mr. Foster and others. It was not satisfactory to my mind that we were able to carry that district.

By the CHAIRMAN:

Question. Have you ever had your recollection refreshed in regard to the thousand dollars for that district?

Answer. I have not, though I have turned the matter over in my mind time and time again. Our conversations were so frequent and so varied that I could not say positively.

Question. On one occasion you stated to a number of us in committee that the President called your attention to a letter for a thousand dollars for that district, and you said that it would be of no use, that it would only be throwing away money—could this $250 to Foster have been a portion of that which you gave, instead of giving the whole thousand dollars?

Answer. I cannot say; I cannot remember a circumstance connected with that payment of $250.

No. 63.

THURSDAY, *May* 24, 1860.

JOSEPH B. BAKER called and sworn.

By Mr. TRAIN:

Question. Do you know Mr. Cornelius Wendell?
Answer. Yes, sir.
Question. Look at this card, and say if you ever saw the original of which this is a copy?
The card is as follows:

"WASHINGTON 'UNION,' *December* 11, 1858.

"My attention has been called to a paragraph in a letter to the New York *Times*, of the 9th instant, in vague and general terms, that the President had caused certain money, justly due to some individual, to be used for electioneering purposes. With this accusation my own name has been so generally used in conversation that I feel constrained, publicly and emphatically, to deny all knowledge or belief of any fact which can warrant it, and to declare that President Buchanan never did authorize, advise, or request me, directly or indirectly, to use

either my own money or that of any other person for any purpose like that mentioned in the paragraph referred to, or in any manner affecting any public election.

"C. WENDELL."

Answer. Yes, sir.
Question. Who wrote it?
Answer. Well, I wrote it.
Question. Where did you write it?
Answer. I wrote it in the Attorney General's office.
Question. At whose suggestion?
Answer. At my own suggestion.
Question. Was Mr. Wendell there?
Answer. No, sir.
Question. Where did you go with it?
Answer. To his house.
Question. And asked him to sign it?
Answer. I presented it to him and asked him whether he could sign it, and he said he could sign it very cheerfully.

Question. You mean to say that this was signed by him very readily, and without any solicitation on your part, or any influence exerted by you, except a simple request?

Answer. That was all.

Question. Why did you write it? I want you to state all the circumstances attending your drawing up that card and procuring Mr. Wendell's signature to it.

Answer. In the beginning of 1858, I understood that William Rice was appointed printer of the post office blanks by the Postmaster General. I knew very little further about it until the middle of the same or towards the fall of the same year, when Mr. Rice informed me that Wendell had ceased paying him the proportion that was due to him. I then learned from him, for the first time, that he had made arrangements with Mr. Wendell for executing the work, allowing a certain percentage to Wendell for executing the work. He said that Mr. Wendell's reason for ceasing to pay was, that he was directed to pay the money to another paper, or to other parties, (by the direction of the administration,) and desired to know of me whether this was the fact. I replied that I did not know, and did not think any directions of the kind had been given by the administration. Later in the fall I heard reports in Philadelphia that Mr. Wendell had said that he was authorized or directed to pay the money that was due to Mr. Rice to other parties. On a visit to Washington, I inquired of the administration whether this was the fact, and I was informed that it was not. My attention was drawn to a paragraph in a letter of the correspondent of the New York "Times," of December 9, 1858; and I was requested to ascertain of Mr. Wendell to whom he paid the money, if he had not given it to Mr. Rice. I found Mr. Wendell at the Capitol, on December 10, 1858, and asked him to accompany me to his printing office, to give me a statement of how and to whom he had paid the money received for printing the post office blanks. On my way thither, in the carriage, I asked Mr. Wendell if it was true

that he had told parties in Philadelphia that he was directed by the President to pay any money that he received from the printing of the post office blanks to candidates for Congress, or to any other person or persons. He said it was utterly false. I then showed him the paragraph in the letter of the New York "Times," before alluded to. I read it to him, and he pronounced it a "damned lie." He went to the office, and he gave me the statement I desired, which I have here:

OFFICE OF C. WENDELL, WASHINGTON, D. C,
December 10, 1858.

POST OFFICE BLANKS.

The aggregate amount received since January 1, 1858, is		$35,268 05
The assumed profits on which is forty-three per cent., amounting to - - - - - -		$15,165 26
Of which the "Pennsylvanian" has received	$9,707 28	
The "Argus" has received - -	5,400 00	
Total paid "Pennsylvanian" and "Argus," -		15,107 28
Leaving for the "Union" - - - -		57 98

As the "Pennsylvanian" was to have one half of the profits, and the "Argus" and "Union" the other half, it will be seen that both the former have overdrawn their respective shares.

I certify, on honor, that the above is a truthful statement from the books in our office.

JOHN LARCOMBE,
Bookkeeper.

On the evening of the same day, December 10, I called on the President, and stated what I had learned about how this money had been paid. He said that he had given no directions whatever to interfere with the payment or the diverting of the money which was due to Rice as the printer of the post office blanks. I then related the answers which Mr. Wendell had given to me about his directions, and also read him the paragraph in the New York "Times," of December 9, and asked whether it would not be proper for Mr. Wendell to deny it in the "Union" over his own signature. He said I could do as I thought best. I prepared the card which appeared in the Washington "Union," of December 11, 1858, signed C. Wendell, between seven and eight o'clock, went to Mr. Wendell's house, and remained there till after eleven o'clock, when he came in. He read the card, and said he would sign it most cheerfully; but the only objection to it was that it did not go far enough; that instead of the President directing him to pay any money, or give any money to candidates for Congress, he said it was very foolish and improper to use money in that way. The President was led to make this remark from a conversation that happened some two or three months previous, when Mr. Wendell hinted in some way that he intended to assist the election of members

of Congress in Pennsylvania by contributions of money. To that the President replied.

I called at the executive mansion, December 11, 1858, and the President remarked: "I see a card is published in the paper this morning." That was the first that he knew anything about the card.

[The attention of the witness was called to a portion of Mr. Wendell's testimony upon the Senate's Select Committee in which he said that Mr. Baker told him that the President desired Mr. Baker to ask him to sign that card. That portion of Mr. Wendell's testimony was read to the witness.]

The WITNESS. I did not, and could not have mentioned the President's name at all. I was very particular not to mention it, because of Mr. Wendell's own conversation with me that same day, on my way to his printing office, on December the 10th. When I submitted the card to Mr. Wendell, he read it and asked no questions at all, but said he would sign it most cheerfully.

By Mr. WINSLOW:

Question. You never, then, said you presented that card to him at the request of the President?

Answer. No, sir; I could not have done it. It would have been telling a falsehood. In the conversation which I had with him, the President said, do as you think best. I recollect it very distinctly. He said that on a suggestion of mine. He did not even make the suggestion.

Question. Did you tell Wendell that you were going to see the President?

Answer. No, sir; but he may have known that I had seen the President. I see the President every day when I am here, and he knew, I suppose, that I had seen him and had a conversation with him. I had a conversation with him as to these reports.

Question. Then Mr. Wendell knew that you had seen the President?

Answer. I presume he did.

Question. Was there any allusion to the President that evening in the conversation you had with Mr. Wendell?

Answer. No, sir. The conversation must necessarily have been very brief. He came home at a quarter after eleven o'clock. He signed the card and asked me to get it into the "Union." Fearing that it had gone to press, he gave me a card in pencil to the foreman. I went to the foreman, and he said at first that he could not insert it, that the paper had gone to press; but the press was stopped.

Question. Then you had not much conversation on that occasion, but he agreed to sign the card very cheerfully?

Answer. There was not much time for conversation.

Question. Did he know before that you were going to see the President?

Answer. No, sir; he no doubt knew that I came from the President on the morning of the 10th, to ascertain how he had disbursed the money that was alleged to be due to Rice. The reports were in circu-

lation that he had directed the money to be paid otherwise, and I was solicitous to ascertain how it had been paid.

Question. Were you requested by the President to ascertain?

Answer. I was requested by the President, after I told him of the reports in circulation in Philadelphia, that he had given such and such directions.

Question. Did you have conversations with the President at other times on the subject of the distribution of this money?

Answer. Not prior to this.

Question. Well, afterwards?

Answer. Afterwards I had.

Question. Will you state them?

Answer. In January, 1859, Mr. Rice was quite violent and indignant about not getting from Wendell what he supposed was justly due to him. This conversation happened while I was here in January, 1859. Mr. Rice said, when he was appointed the printer to print the post office blanks, that he had made an arrangement or contract with Mr. Wendell to do the work for fifty per centum of the gross receipts, and he contended that under that arrangement there was quite a large balance due to him. I was very desirous that Mr. Wendell should pay Mr. Rice, as I knew that he was in moneyed difficulties, the amount he, Wendell, owed Rice; and to ascertain that amount I called upon Mr. Wendell. Mr. Wendell said that Rice was not to get fifty per centum, but forty-three per centum of the gross receipts. Wendell also stated at that time that the money was appropriated to other purposes, and that he did not owe him anything; that the Philadelphia "Argus" had received a portion of the forty-three per centum.

Question. Did Mr. Wendell tell you at that time by whom this was appropriated otherwise than to the publisher of the "Pennsylvanian?"

Answer. He said he had directions from the administration, or from high official sources; I do not recollect his exact words.

Question. What did you understand by the "administration?"

Answer. I understood the President.

Question. You spoke of conversing with the President about this; what was that conversation?

Answer. I understood in the fall of 1858, I do not know from whom or how, that the "Daily Argus" was to receive ten and three fourths per centum from and after the first of August, 1858, and I inquired of the President whether he had given any directions for a portion of Rice's money, or what was due to Rice as printer of post office blanks, to be paid to the "Daily Argus." He said he had given no directions; but report said the net profits from the printing of these blanks amounted to about $20,000 per annum, and if such was the case, he supposed that Mr. Rice could afford to pay the "Argus" out of his own profits, or out of this sum. When Mr. Rice was first appointed printer it was thought the net proceeds would not amount to over $10,000 or $12,000, and when it was ascertained that it amounted to $20,000, as the "Argus" was hard up, as it always is, it was given without any directions from him. It was supposed, under Mr. Wendell's understanding of it, that there had been a subdivision of it. It then became necessary to learn how much was received for the blanks

from July 1, 1858, to July 31 of the same year, and from August 1 to December 10. I learned this at the Post Office Department. The amount that Mr. Wendell received on account of the blanks during the first period mentioned was $20,501 24, and for the latter period, $14,766 82.

Question. Did you procure that information from the Postmaster General?

Answer. This document I received from the Auditor, Mr. Offutt; he is the proper officer of the department.

Amounts paid for printing blanks used outside of the city of Washington, from January 1, 1858.

February	5,	1858,	to	William Rice.....	$4,748 77
March	16,	"	"	C. Wendell, assignee of Wm. Rice..	3,172 89
April	13,	"	"	" " "	4,401 82
May	14,	"	"	" " "	1,243 80
June	10,	"	"	att'y of Wm. A. Harris	4,125 82
July	12,	"	"	" " "	2,811 14
					20,501 24
August	31,	1858,	to	C. Wendell, att'y of W. A. Harris	4,147 69
September	8,	"	"	" " "	2,264 17
October	20,	"	"	" " "	2,338 97
November	10,	"	"	" " "	3,338 44
December	9,	"	"	" " "	2,677 55
					14,766 82

Question. You say, Mr. Baker, that it became necessary to know; necessary for whom?

Answer. Necessary for the settlement of Rice's account; that is, to ascertain what Rice had to receive. All this time he was complaining a good deal about this money, in Philadelphia, and I was anxious that Mr. Wendell should pay him. I lent my kindly auspices to sustain him.

Question. It became necessary that it should be known?

Answer. Yes, sir.

Question. To whom; to the President?

Answer. No, sir; to myself and Mr. Rice.

Question. By whose authority were portions of the profits of the post office blanks diverted from the "Pennsylvanian" to the "Argus;" by what authority did you understand that it was done?

Answer. I do not know by what authority at all.

Question. Do you know whether the President knew of that diversion from any conversation that you had with him?

Answer. I do not, sir; I do not know that he knew of the diversion when it was made, but he knew it when he got these statements; I allude to the statement of December 10, 1858.

Question. Did you not get this statement for his information?

Answer. I got it for his information as well as for my own satisfaction. It had been charged in Philadelphia by Mr. Wendell, that the President had directed him to use this money in this way; and I felt desirous to clear the President, and I made it my business to do so.

Question. Did you not get the information at his request?

Answer. I did, sir, after having related to him the conversation or statements I had heard that Mr. Wendell had made in Philadelphia.

Question. Was it at that time that the President said if his profits were $20,000, that Mr. Rice should let the "Argus" have a portion?

Answer. I do not know that it was that day, but it was about that time. He had been frequently applied to by Colonel Florence and others interested in the success of the "Argus," who pressed its claims with great pertinacity, and the President said to me that he might have said in conversation with Colonel Florence and Wendell, who were urging this distribution, that, if the profits were so large, Mr. Rice, he supposed, would not make any objection to giving a portion to the "Argus." I suppose it was on that that they went on and made the diversion which caused all the difficulty.

Question. Did you have repeated conversations with the President on this subject?

Answer. At various times, I have, sir, about this post office blank printing.

Question. Did you understand that the President approved this distribution to the two papers?

Answer. I never so understood him; he never intimated to me that he approved or disapproved of the diversion.

Question. Did you ever hear him express a wish that it should be divided?

Answer. I have not, sir. I felt that Mr. Rice had been dealt unjustly with by Mr. Wendell, and that the money that was taken from him was disbursed or given to objects that Mr. Wendell desired more particularly to assist than Mr. Rice. It will be observed, the amount due Mr. Rice of the amount received between January and July 31, at the rate of forty-three per cent., was $8,815 52; and, if the "Argus" was to receive ten and three quarters per cent. subsequent to August 1, it would leave Mr. Rice's proportion thirty-two and a quarter per cent of $14,766 82, equal to $5,359 25. The "Argus's" proportion, at ten and three quarters per cent., of $14,766 82, would be about $1,587. It received, instead of this amount, as per Mr. Wendell's statement, $5,400. Agreeably to the per centages stated, the proportion due Mr. Rice would be $14,169 78. He received, as per statement of Mr. Wendell, $9,707 28, leaving a balance claimed by Mr. Rice of $4,462 50. But Mr. Wendell contended that he did not owe Mr. Rice anything, and even if he did, that the "Argus" was to have ten and three quarters per cent. from the commencement, from January 1—ten and three quarters per cent. of the gross amount. This reduced the balance claimed by Mr. Rice to about $2,200, which he was ready to receive from Mr. Wendell, and settle the account. Mr. Wendell declined paying it. He said that he held notes of Mr. Rice to about this amount. Mr. Rice contended that Mr. Wendell had no

notes of his; and the money, as I understand, was not paid at that time. But subsequently, Mr. Wendell told me that he had paid a note that Governor Brown, of Mississippi, had indorsed or given to Mr. Rice. I do not know whether the remainder of the $2,200 has been paid. I came to know that this note was paid after I was applied to by Mr. Rice to prevail upon Mr. Wendell to pay him the balance that was found to be due. I applied to Mr. Wendell, or asked Mr. Wendell why he had not paid Mr. Rice this money? He said he had an offset of notes of Mr. Rice to more than the alleged balance; and then he spoke of securing or of paying Governor Brown this $1,000.

Question. Did he say why he considered himself bound to pay Governor Brown?

Answer. I do not know whether he said it or not. It was considered a sort of honorable debt. I had heard it spoken of as money that would have to be provided for or protected. That is my general understanding, but how I got it I cannot say.

Question. Was this note for borrowed money?

Answer. I do not know the character of the note at all.

Question. Did you understand, in your conversation with the President, that he had repeated conversations on this subject with Colonel Florence and Mr. Wendell; that he had more than one conversation?

Answer. I have often heard the President say it was a source of great trouble; that Mr. Florence and others, Mr. Florence particularly, had applied to him on this subject for a portion of the patronage, and he really did not want to have anything to do with it, and he had not anything to do with it with me, and I suppose he would talk as freely to me as he did to anybody connected with the administration. I know that I never got the satisfaction on this subject that I think I was entitled to.

Question. Was it your intention, on making these inquiries, to act in accordance with his advice and suggestions?

Answer. I cannot say that it was.

Question. What was your object?

Answer. I thought, as I have stated, that unfounded charges had been made; and, knowing how cautious he was in talking to me, that he could not have given those directions, and as I was a personal and political friend, I thought it incumbent on me to have them explained, and I had no conversation with him until I told him so and so had been said in Philadelphia. I told him what Mr. Wendell had said in Philadelphia, and that I knew Mr. Wendell was an impulsive man.

Question. Did you say you knew this?

Answer. Yes, sir. I got the New York "Times" and read the paragraph to him. He had not seen the paragraph until that evening.

Question. And your object was to protect the President?

Answer. It was, sir; for I supposed the statements were a gross perversion, and I was happy to find that they were so.

Question. You are an intimate personal and political friend of the President's, and when here you call frequently upon him?

Answer. Yes, sir.

Question. You are from his town, I believe, and you are in the habit of talking to him confidentially, and you think he talked so with you?

Answer. Yes, sir.

Question. You are aware that not only on the part of Mr. Florence, but of others from other parts of the country, many efforts were made by editors and political men to get hold of what was considered a good job—the printing of the post office blanks?

Answer. Yes, sir.

Question. I will ask you if you have ever known the President to interfere in the disposition of that matter; whether he has not on all occasions manifested a great degree of impatience and disgust, and endeavored to get rid of it and leave it to the proper department? State generally what was the prevailing dominant sentiment of the President; whether it was a disagreeable subject, and that he wanted to get rid of it?

Answer. Yes, sir; I know that to be a fact, and I also know that he has made a great many of his personal friends displeased because he has not interfered in this matter. Four-fifths of those who have been displeased with him have been made so because he would not interfere in the giving to them the patronage they desired, or interfere with the departments and throw it in their way.

Question. You, yourself, have been a little impatient with him for not having attended to such things?

Answer. Yes, sir; and I have thought it a mighty hard case, after having helped to elect a President from our own State, that he did not interfere.

Question. Do you not think he might have made some suggestions?

Answer. He might have made some suggestions, but he never made them to me. I have no knowledge of that.

Question. Have you not testified that the President said to you that he might have done so?

Answer. Yes, sir.

Question. Do you know of any arrangement or expectation of the present publishers of the "Pennsylvanian" to receive money out of this contract?

Answer. I have understood that there was such an arrangement.

Question. State what it was.

Answer. I cannot answer that question directly without prefacing it a good deal. After the difficulty occurring between Mr. Rice and Mr. Wendell, in the fall and winter of 1858–'59, Rice was exceedingly anxious to sell the "Pennsylvanian." He thought he was defrauded out of his just dues, and he could not carry on the paper, and he desired to sell it. Before any person was bold enough to purchase such a damaged concern, it was necessary to ascertain whether there was any prospect of obtaining the printing of these post office blanks by the purchaser or by the person who purchased the "Pennsylvanian." I was very desirons that the late Postmaster General should make a contract for the printing of these blanks for two years. I urged him to do it because I had learned that the establishment which had heretofore printed the blanks had been destroyed by fire, and that there was no establishment from which the Post Office Department could be supplied with post bills. He declined making a contract, for he said

that he would not forestall any action that Congress might deem necessary to take in changing or repealing the act giving him the power to employ a person outside of the city of Washington to do this work, but that he was willing to give an order to a good and responsible printer in Philadelphia to execute the work during the pleasure of the department or that of Congress. I declined naming any person for the reason that it might be a loss to a person taking this work rather than a profit; for he would have to buy new materials and be at considerable expense for machinery, &c., and that Congress might repeal it in a months' time, or in a very short time. It is proper to say that Mr. Wendell was exceedingly anxious to obtain the contract for two years. He proffered to pay to the "Pennsylvanian" $15,000 per year if he could obtain the contract.

Question. Who did he make that offer to?

Answer. He made it me, sir. I left the Post Office Department, declaring to Postmaster General Brown that I would have nothing further to do either with finding a purchaser for the "Pennsylvanian" or with the post office blanks; and I would have adhered to that resolution had it not been for Mr. Wendell, whom I left at the department, following me to the hotel, at which he arrived just as I was leaving for Philadelphia. He said he came from the Postmaster General, who told him that he would appoint any person printer that I might select; that he would appoint him if I desired it, and that he wanted to do this work; that the "Union" was a very costly thing to keep up, and that he could pay to the "Pennsylvanian" $1,000 per month as long as the work would be continued to him, and that he would have some $10,000 or $12,000 himself out of it; that if inexperienced parties were appointed in Philadelphia they would make no more than $10,000 or $12,000 out of it, whereas his knowledge of the business would enable him to make $20,000, or a larger amount, which would enable him to pay $1,000 per month and leave him the sum he mentioned for himself; that the payments were to commence on the 15th January, 1859, and on the 15th of each month thereafter; that he must have the whole of the gross receipts for the month of December for himself. The establishment by which this work had been done had been burned down, and he must have the receipts for the month of December to fix up. The omnibus was ready to start; and he said to me that I should, after my arrival at home, make out a contract with that understanding, which I never did, but wrote to him that as he was more conversant with those kind of documents than I was that he should do it, but he never did. Application was made to him after the first payment became due, and he refused to pay it on the ground that Congress might repeal the act giving the Postmaster General the authority to print these blanks. No payment was made until after the negotiation was commenced for the sale or transfer of the Washington "Union." The proprietor of the "Pennsylvanian" (as that establishment was bought with the understanding that Wendell was to contribute as before stated) had claims upon Mr. Wendell, and insisted that he should pay the amount promised, and Mr. Wendell was so anxious to get clear of the "Union" that he paid $2,000 of the amount due.

Question. I want to know whether you stated that there were more earnest attempts made to induce the Postmaster General to give a contract for two years, and that he declined, and that the President also declined, because he would not have anything to do with anything of that kind.

Answer. Yes, sir; and I will state here that after the payment of the $2,000, I understood from Mr. Wendell and General Bowman, that Wendell was to pay $20,000 out of the printing of the post office blanks, ten of which was to go for the "Pennsylvanian."

Question. Do you know where the other ten was to go to?

Answer. I understood to the Washington "Union," $20,000 was to be paid, ten of which was for the "Pennsylvanian."

Question. Was Mr. Bowman consulted, and had he knowledge of this distribution of money?

Answer. General Bowman did not desire to have anything to do with the money for the "Pennsylvanian."

Question. The question is, was he consulted, and did he know of the disposition of this fund?

Answer. He knew all about it; I do not know that he was consulted, but he knew of it.

Question. Did you not consult the President fully in relation to this matter; and do you not know that he was apprised about it?

Answer. No, sir; I did not consult the President about it; he had been so much troubled by frequent applications that he would have nothing to do with it in this subsequent matter with me, and I refrained from mentioning it to him.

Question. Did you inform him what you were going to do?

Answer. I may have done so, but I do not recollect distinctly.

Question. What is your impression as to whether you communicated to the President information respecting this disposition of money to the "Pennsylvanian?"

Answer. My impression is decidedly that I did not consult him about the transfer, or about the proportion going to the "Pennsylvanian." I am satisfied that I did not. There was a previous arrangement entered into between Wendell and the proprietor of the "Pennsylvanian." I allude to the present proprietor, who contended that it was an order given to the "Pennsylvanian," and that any subsequent arrangement of Mr. Wendell's should not interfere with the agreement that he had previously made. When speaking of an arrangement made with the present proprietor of the "Pennsylvanian," I wish to say that the arrangement was made through me, as I acted as his friend, and I stated to him the amount he would be able to get by this arrangement. It is due to General Bowman to say, that he utterly refused collecting from Mr. Wendell this $10,000, and that he only desired to attend to his own proportion—to the $10,000 which he was to receive. At the same time Wendell insisted that he was to pay the whole of the money to General Bowman, as he had entered into an agreement to that effect, and consequently there was some trouble from this fact in getting the amount that was due to the "Pennsylvanian."

Question. Was this arrangement of which you have now spoken in pursuance of a previous agreement as to the "Pennsylvanian?"

Answer. With Mr. Wendell? It was.

Question. Between Wendell and who else?

Answer. Between Wendell and myself.

Question. Was the President apprised of the existence of this previous agreement between Wendell and yourself?

Answer. No, sir; I had no conversation with the President about this matter, for he positively refused assenting to a contract being made for two years. The President was disgusted with the whole thing, and I was afraid to say anything to him about it.

Question. Have you stated what the conversation was at the time the President refused his consent to the contract for the post office blanks for two years?

Answer. He said he would not interfere, he would not do anything to prevent Congress from acting upon the matter to repeal it; he very frequently said that he wished Congress had repealed it; he said this when he was troubled with applications for this patronage

Question. Mr. Baker, you interested yourself in favor of the proprietors of the "Pennsylvanian" in relation to these post office blanks; will you be pleased to state whether, at a prior period, you had not interested yourself for the same purpose for any other person or persons?

Answer. Very soon after I was appointed collector, I interested myself very earnestly to secure this patronage for Colonel John W. Forney, to assist him in his contemplated enterprise of starting a paper in Philadelphia. I subsequently saw the President in relation to giving this work to Colonel Forney, both before and after he started his paper. Colonel Forney made several applications to me, and I came to Washington once, at his particular request, to get this work, or a portion of it, for him—I mean a portion of these post office blanks. I presume he knew the value of it, having been connected with the public printing so long. I did not know what a fat job it was at that time; but he, being a printer, knew all about it. The President, at each application, refused doing anything or having anything to do with the public printing or the post office blanks. He said that he had heard that there was great extravagance in the printing department, and that no action would be taken upon any matter in relation to it until after the meeting of Congress. So we gave it up in despair—I mean in relation to Forney.

Question. You stated before that the President's friends had frequent cause of complaint in consequence of his not interfering in matters that they supposed he had the right to interfere in, in awarding contracts or in giving out patronage?

Answer. I have thought they had cause.

Question. Then I ask you if the refusal or the objection of the President to entertain the proposition made by you in behalf of Forney was not the cause of the breach between Forney and the President?

Answer. I have no doubt of it. Mr. Forney was exceedingly anxious to get this work, and he made frequent promises that he would support the President fully, and not attack any of the President's friends with whom he was at enmity. I will simply mention

Governor Wise as one. I do not recollect others. I put this matter to him; not to the President, but to Forney. Colonel Forney never opposed the President or the administration until he was fully satisfied that he could not get this work. I refer to his paper. Colonel Forney was personally dissatisfied and disappointed, and his party friends in Pennsylvania were fearful that he would use the columns of his paper to oppose the administration, and thereby cause a schism in the party in Pennsylvania, and they were, consequently, anxious to get this patronage in order to have the support and the assistance of his paper. I, at least, was actuated by that desire.

Question. With whom did you talk, here in Washington, on that subject?

Answer. I talked with the President.

Question. Did you talk fully and freely with the President about it?

Answer. Fully; and I pointed out the consequences I apprehended from his paper taking an opposition course; it had a large circulation, and would do considerable damage to the party, if not to the organization of it in Pennsylvania.

Question. Had you any other motive for interfering to procure this printing for Mr. Forney than a desire to promote the interest of the democratic party?

Answer. None in the world, sir.

Question. Were you induced to make these efforts by the hostility manifested by Mr. Forney to the President?

Answer. No, sir; though it made me more desirous to accomplish it. Mr. Forney was considered a good editor, and we were very anxious that his paper should be the leading organ in the State, as he had the ability to make it so.

Question. Did Mr. Forney express disappointment at the Lecompton policy of the President?

Answer. I had no conversation with Colonel Forney after the Lecompton policy of the President was developed, until the 28th or the 29th of December, 1857, and then I did not discuss the question. I have never spoken to him since; not from any indisposition on my part, but from Mr. Forney's estrangement. The conversation that I had with him on the 28th or 29th of December was for the purpose of asking him to relieve me of an officer that I had appointed for him, but who was performing service in Mr. Forney's office, and not in the custom-house. I desired him to relieve me by Mr. Forney's inducing the man to resign.

Question. Had Mr. Forney any interviews with the President about this patronage?

Answer. Not that I am aware of.

Question. Then I ask, when you saw the President, was Colonel Forney with you?

Answer. No, sir.

Question. Will you be pleased to state in what year and at what period of the year you made this application to the President for this patronage for Colonel Forney?

Answer. Very soon after I was appointed collector of customs in Philadelphia, on April 1, 1857. I made repeated applications during the summer of that year. The last time I talked with the President about it was on his visit to Wheatland, either in October or in November; it was the first visit the President paid to Wheatland after he was inaugurated. That was the business I went to Wheatland to see him about. That was the last conversation I had with him about it.

Question. Have you stated, so far as you can recollect, everything that you may know as a legitimate subject of inquiry under this resolution?

Answer. I think I have, sir.

No. 66.

FRIDAY, *May* 25, 1860.

HAMILTON BRUCE called and sworn.

By the CHAIRMAN:

Question. Do you know William M. Browne, one of the editors of the "Constitution?"

Answer. I cannot say that I am acquainted with him; I have met with him in my official capacity, and have had the pleasure of being introduced to him once or twice.

Question. Do you know anything relative to his connexion with the custom-house at New York?

Answer. I examined him for a position there to which he was to be appointed; it was at that time that I was introduced to him.

By Mr. TRAIN:

Question. What was your position there at that time?

Answer. I was at that time chief clerk of the warehouse bureau.

By the CHAIRMAN:

Question. It was your duty to examine the clerks, was it?

Answer. The chief clerk of each division examines the clerks as to their fitness for the positions they are to occupy.

Question. Was Mr. Browne under your supervision and control?

Answer. In a measure; he was under the supervision and control properly of the deputy in charge of that division; the chief clerk of the division represents the deputy in those matters, sees that the clerks attend to their duties, and reports the delinquents to him.

Question. Did Mr. Browne ever render any service to the government in the custom-house? If so, to what extent?

Answer. I examined him as to his fitness for his position and wrote out the necessary report, which was signed by Judge Capers and transmitted to the collector; shortly after that—I cannot say how long, for my memory does not serve me upon that point—he reported

himself for duty; he brought a note to Mr. Capers from the collector that he had been appointed to such a position; he was introduced to me again at that time; a desk was assigned to him, and he was to take the place of a Mr. Fitman, and his duty was to have been the cancellation of transportation and exportation bonds; if my memory serves me right, he then said that he would be there in a day or two, but I will not be positive about that; but I never saw him again in our office; he did not occupy any desk nor perform any duty in the division over which I supposed I had charge while I was there.

Question. Were you on duty all the time?

Answer. Yes, sir.

Question. Do you say he never rendered any service to the government there?

Answer. Not in my division; he may have been assigned by the collector some duty outside, for aught I know.

By Mr. TRAIN:

Question. Did you have any notice that any such outside duty was assigned him?

Answer. No, sir.

Question. Who performed the duty he should have performed?

Answer. A clerk in the office was assigned to take that desk, and I believe he still occupies it.

By the CHAIRMAN:

Question. How long did Mr. Browne continue to occupy that po sition or draw pay for it?

Answer. I never saw any of his pay-rolls; I heard of his going to Washington.

Question. Did he continue to hold that position until he came to Washington?

Answer. That is my impression.

By Mr. WINSLOW:

Question. When were you first appointed in the custom-house?

Answer. On the 1st day of May, 1838, by Jesse Hoyt; I was the first clerk he appointed.

Question. That was in Van Buren's time?

Answer. Yes, sir.

Question. When did you resign?

Answer. On the 1st day of June, 1859.

Question. How came you to be summoned here?

Answer. That I do not know, sir.

Question. All that you know about it is your being subpœnaed here?

Answer. Yes, sir.

Question. Did you have any conversation with anybody about this matter before you were summoned?

Answer. No, sir; I had no conversation with any one in reference to it.

Question. How do you conjecture that you came to be summoned here if you had no conversation with anybody upon this subject?

Answer. I have talked in New York in the office in reference to these matters.

Question. With whom did you talk?

Answer. I talked with Mr. Lydecker some time ago. When I saw Mr. Browne's name mentioned in the paper I asked him if Mr. Browne received his salary. He said that Mr. Browne sent on his pay-roll from Washington, and he collected the money and sent it to him.

Question. I understand you to say that Mr. Browne did no service.

Answer. I said, unless he was detailed to some service outside.

Question. You say that unless he was detailed to some service outside he rendered no service.

Answer. I do not say so; he might have rendered service.

Question. What is the best impression upon your mind? You say that when you saw Mr. Browne's name mentioned you were led to ask Mr. Lydecker if Browne got his salary. Why should you ask that?

Answer. Because when I was suspended I remained in the office at the suggestion of Judge Capers and performed duty up to the first day of June; and when I resigned I did not get my back salary, not a dollar of it.

Question. Why should you want to know if Browne got his salary?

Answer. I thought that if he had got his, I ought to get mine, as I had done service.

Question. And you thought Browne had done no service?

Answer. I do not say that.

Question. I want to know why, when you saw Browne's name in the papers, it should have attracted your attention so much as to lead you to inquire whether he had been paid; was it because you supposed he had been paid while he did no work?

Answer. To be candid with you, that was my impression.

Question. Why did you not communicate that fact to the collector while you were in office?

Answer. It was the duty of the deputy to do that.

Question. Is it not the duty of every officer to report such facts to his superior?

Answer. It was the duty of the deputy to do that for his division.

Question. You did not do it?

Answer. No, sir.

By Mr. ROBINSON:

Question. You say that Mr. Browne did no duty in your division at the desk set apart for him, and if he performed any service, it was at some place else?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Do you not know of others, besides Mr. Browne, receiving pay without rendering any service?

Answer. No, sir; I do not.

FRIDAY, *May* 25, 1860.

A. O. P. NICHOLSON called and examined.

By Mr. WINSLOW:

Question. State, if you please, your residence and occupation?
Answer. I reside in Tennessee, and am a lawyer by profession.
Question. You are now a senator from Tennessee?
Answer. Yes, sir.

Question. Did you receive a communication from Mr. Wendell for the President of the United States, in relation to the "Union," and upon the subject of the printing and publication of that paper; and if so, please to state what it was?

Answer. When I came here, in February, 1859, to the extra session of the Senate of the United States, I learned from Mr. Wendell that he had made up his mind to quit publishing the "Union," and was anxious to find somebody to whom he could sell or transfer it. Mr. Macdonald, of Maine, was here then, or came soon after I did, and he and Mr. Wendell entered into a negotiation. I think this letter [a letter heretofore produced in evidence, when Mr. Wendell was under examination] contains the terms on which he was willing to transfer it to Mr. Macdonald. Mr. Wendell was anxious, in making the transfer, to transfer it to some person who would be acceptable to the President, inasmuch as he then was doing certain executive work, and he wanted the proprietor of the paper to be a gentleman acceptable to Mr. Buchanan; he requested me to see Mr. Buchanan on the subject, with a view of learning whether Mr. Macdonald would be an acceptable man, and be satisfactory to him as the editor of the paper. I told Mr. Wendell he had better address him a note, stating what he required, and I would see Mr. Buchanan, and hand it to him. I took this letter; I am not sure whether Mr. Buchanan read it, but I left it with him, and I told him verbally what I came for. He said it was not a matter of concern to him, that he should not advise Mr. Wendell to sell to Mr. Macdonald or anybody else; but Mr. Macdonald was a good man, and if the transfer was made to him, he should be content. Mr. Bowman, as far as I recollect, had not been spoken of at that time.

Question. Do you know anything of the arrangement with Mr. Bowman?

Answer. I do not know who suggested Mr. Bowman to Mr. Wendell. After he was suggested, (and I had very little knowledge of or intercourse with Mr. Bowman about it,) I remember to have been at the President's, and suggested that Mr. Bowman was thought to be a good man to take the place. Mr. Buchanan said everybody knew his friendship for Mr. Bowman, but if Mr. Bowman did take it, he must do it on his own responsibility; he would not advise or persuade him to do anything that would risk his little property; he had now a good office, and if he went into the paper, he ought to be sure he was not endangering what he had. I think that was what was said. It was

mentioned twice, once when General Bowman was present, and he said the same thing to Mr. Bowman.

Question. You and Mr. Bowman were present at the President's.

Answer. Yes. At the first he was not present, but the second time he was. The President expressed great friendship for General Bowman. He said he had brought him here on account of his friendship for him; and that he had brought him here without his knowledge that he was to be appointed Superintendent of Public Printing. I am very sure that idea of his going into the paper did not originate with Mr. Buchanan.

Question. Do you know with whom it originated?

Answer. I think I know that it originated with the Hon. Aaron V. Brown, Postmaster General. He was the first man I ever heard allude to it at all. I do not know whether or not it had ever been mentioned to Mr. Buchanan before I mentioned it.

Question. Was anything said about Mr. Bowman being elected printer to the present Congress?

Answer. There was by me. Referring to reasons why I thought he would not run any risks, I told him I believed if he took the position, it being known that he was a friend to the administration, it would secure his election as public printer.

Question. Was anything said, that in case he were elected printer Mr. Wendell might be employed, or had an office in which to do the printing?

Answer. I do not think that anything was said to Mr. Buchanan on that subject. If there was, I have no recollection of it. I do not recollect of anything being said to him as to who would be elected printer. That letter, I suppose, communicated to him all in relation to that subject.

Question. It was a matter well known to you all that Mr. Bowman had no office in which to execute the printing, and that Wendell had?

Answer. Yes, sir. I looked at it in this way: Wendell was anxious to get clear of the paper, and he was anxious to transfer it to a man who could be elected printer, with the expectation of doing the work, I had no doubt.

Question. Did or did not that expectation or calculation enter into this arrangement for the transfer of the "Union" without pecuniary compensation?

Answer. That is a subject of which I know nothing. That was all made after I left. My knowledge of it was from that letter which you showed me. The expression at the beginning of the letter: "You were consulted by us concerning the transfer which has this day been made between us of the 'Union' newspaper; you know the views and expectations which influenced us on both sides," &c., indicates that it was made after I had left. My understanding before I left was that if this arrangement was made, Mr. Bowman expected to be elected public printer, and Wendell looked to that event as giving him a prospect of doing the work in his office; but no bargain had occurred when I left here on the subject.

Mr. WINSLOW. I do not allude to the bargain.

The WITNESS. I mean as to the sale of the paper. That was in negotiation when I left.

Question. In making my inquiries, I do not inquire about a bargain that would be valid.

Answer. I am speaking of the transfer of the paper, and not a bargain for doing the work.

Question. The inquiry is, if such was the expectation?

Answer. I can only infer from what my understanding of the letter was.

Question. But there was such an expectation?

Answer. I supposed that Bowman expected to be elected, and in that event that Wendell would do his work. That I supposed Wendell expected. When I left, I do not think I had heard anything about Mr. Wendell transferring the paper without a consideration—I mean when I went home in the spring. This letter I received at home in due course of mail:

WASHINGTON, *March* 26, 1859.

GENTLEMEN: You were consulted by us concerning the transfer which has this day been made between us of the "Union" newspaper. You know the views and expectations which influenced us on both sides. While we do not contemplate the slightest difficulty, yet it is possible that some collision of interest, or some difficulty of opinion concerning our rights or duties, may hereafter arise. In that event, we have agreed to leave all questions between us to your arbitrament, and your decision shall be binding and conclusive upon us both. If you shall differ, you may choose some third person as umpire. It is, as you know, understood between us, that the purchaser of the "Union" shall not be a competitor with the seller for any portion of the executive work now done by Mr. Wendell at his large office, but that Mr. Bowman shall receive at the rate of *twenty* thousand dollars per annum so long as Wendell continues to do the work as he does it now, but no longer. If the work aforesaid be withdrawn from Wendell, his obligation to pay this twenty thousand dollars shall cease. If any considerable portion is withdrawn, it will be for you to decide whether Wendell's payment shall cease, or in what proportion it shall continue.

We are, very respectfully, your obedient servants,

C. WENDELL,
GEO. W. BOWMAN.

Messrs. A. O. P. NICHOLSON and J. S. BLACK.

Question. Did you hear anything about the "Pennsylvanian" and the "Argus"?

Answer. Nothing in the world.

Question. Do you know anything further touching this matter?

Answer. My association and intercourse with Mr. Wendell has been very intimate for many years; we have had business associations; he did my work, and on that account he called on me, I suppose, to aid him in negotiating the sale of the "Union," but it was outside of matters of business between him and myself.

Question. You were formerly printer to Congress?

Answer. Yes, sir.
Question. And Mr. Wendell executed your work?
Answer. Yes, sir.

No. 77.

MONDAY, *May* 28, 1860.

JAMES MURPHY called and examined.

By the CHAIRMAN:

Question. Where do you reside?
Answer. I reside in New York city, sir.
Question. Are you a contractor for government work?
Answer. Sometimes I am.
Question. What kind of work?
Answer. Steam engines and boilers.
Question. Have you a contract from government now?
Answer. No, sir.
Question. Had you a letter from the Navy Department in Washington, introducing a man from Hartford, in Connecticut, and requesting you to aid him in conducting elections, latterly?
Answer. I had no letter from the department; I had a private note of introduction from Mr. Archbold.

By Mr. TRAIN:

Question. From Samuel Archbold?
Answer. Yes, sir.

By the CHAIRMAN:

Question. Can you produce that note?
Answer. No, sir.
Question. What were the contents of it, as near as you can recollect?
Answer. It was merely a note introducing this gentleman to me, and saying that he would state to me his business.
Question. Who was that gentleman?
Answer. I forget his name. He told me that he was treasurer of the democratic committee in Hartford. I do not know what his name is.
Question. What did that treasurer say to you his business was?
Answer. He said that he would like for me to send him on some money towards the election.
Question. Have you had any conversation with Mr. Walling, captain of the detective police, upon this subject?
Answer. I do not know any such person.

By Mr. TRAIN:

Question. Do you know the captain of the detective police in New York city, or any captain—any one of them?
Answer. No, sir.

By the CHAIRMAN:

Question. Have you had a conversation with anybody upon this subject?
Answer. Not to my knowledge.

No. 77.

WEDNESDAY, *May* 30, 1860.

JAMES MURPHY recalled.

By the CHAIRMAN:

Question. When you were here before I told you the reason why I thought it advisable for you to remain until we could get these men from New York. You had stated that you did not know Captain Walling, of the detective police.

Answer. I do not know him.

Question. You understand that Captain Walling has given this information?

Answer. In relation to parties going to Connecticut?

Question. In relation to your receiving a letter and sending some persons to Connecticut, and Mr. Belmont furnishing money to pay expenses.

Answer. I have never spoken to Mr. Belmont in my life.

Question. It was not necessary that you should speak to him.

Answer. I never had any communication with him by letter or otherwise.

By Mr. TRAIN:

Question. Did you send any parties over into Connecticut at the last election?

Answer. No, sir; I never heard of such a thing until I came here.

No. 80.

WEDNESDAY, *May* 30, 1860.

JOHN APPLETON called and sworn.

By Mr. WINSLOW:

Question. You have read the resolution under which this committee is acting. Be pleased to state if you know anything of the disposition of printing money, and any matters between Mr. Bowman and Mr. Wendell.

Answer. The first part of the resolution directs the committee to inquire whether $41,000, or any other sum or sums, were paid by the public printer, or any party who executed printing or binding for the last Congress or the executive departments, for the use or benefit of any person or party conducting a newspaper, or to aid in the support of any newspaper establishment; and especially whether any such payment was made to or for the benefit of the person or party interested in the publication of the Washington "Constitution," lately called the "Union," the "Pennsylvanian," and the Philadelphia

"Argus." I have no knowledge on the face of the earth whether any money was so paid or to whom it was paid.

Question. Or agreed to be paid?

Answer. Or agreed to be paid, any more than you yourself. I have heard and read a great deal about it; but whether there was any agreement to pay any money, I have no such knowledge as would enable me to testify.

Question. Have you had any conversation with the parties?

Answer. I have had a great many conversations with Mr. Wendell about printing generally, and I have heard a great many complaints from him as to the inadequacy of his receipts for the support of the Washington "Union."

Question. In the presence of General Bowman?

Answer. I do not think I have in the presence of General Bowman. The other branch of the resolution is "whether any contract was made, or any understanding had, at any time during the last session of Congress, or since the 3d of March last, between Mr. Bowman, late Superintendent of Public Printing, who was, on the 17th instant, elected printer to the Senate, and the printer for the Senate or the executive departments during the last Congress, by which the said Bowman was to receive $20,000, or other sum, a year, from such printer," &c. I had a converersation with Mr. Bowman and Mr. Wendell; perhaps I was instrumental in inducing Mr. Bowman to purchase the paper in the beginning.

Question. Will you state the particulars?

Answer. Mr. Wendell wanted to dispose of the paper, and he was urgent that I should take it; he stated that he had other offers, and intimated that it might be sold; I was satisfied that he was right in selling it, for it was running him in debt; I was naturally anxious that it should be sold to a friend of the administration; Mr. Bowman was such a friend, and I had a conversation with him respecting the purchase and the probable result; I do not know whether anything very definite was said, for the principal point was whether he would take it; he hesitated; finally, I understood that Mr. Wendell and Mr. Bowman had made an arrangement which was mutually satisfactory.

Question. Do you know what it was?

Answer. I have a vague recollection of it. I met them, and they had a great deal of discussion about it as to the general plan of the sale. As I understood it, Mr. Bowman was to take the paper. He was to pay no consideration for it. Mr. Wendell was then in the receipt, as I understood, of a considerable amount of patronage, but the paper was running him into debt, and he wanted to dispose of it. He had a large printing office on his hands, and he supposed that if he could get rid of the paper, and get it into Bowman's hands, and if Bowman would not compete with him for the executive printing and binding, he might go on and make enough out of that to enable him to compensate himself in part for the sale of the paper, and perhaps contribute something to carry it on, should it be deficient. Precisely the amount or the terms on which it was finally adjusted I should

not like to state, for I have not the details, but that was the general plan. I think there was something written.

Question. There is a contract between them?

Answer. They undoubtedly had the general idea, that one having the printing materials and the other the paper, they could get along very harmoniously together and both of them be mutually benefitted, without injury to any one else.

Question. What was the consideration given for the paper, types, presses, &c.?

Answer. I do not think that anything was paid for them. That is my impression.

Question. Did they have any difficulty about the consideration or the agreement between them?

Answer. I think the subject was talked over for several weeks about the termination of Congress.

Question. Was Mr. Bowman, at the time the paper was transferred, the Superintendent of the Public Printing?

Answer. I think he was.

Question. Were you called upon by the parties to advise, or to attempt to produce an agreement between them in relation to their differences?

Answer. I think it very likely that I was called upon by both of them, for it has been my fortune to be called upon in relation to these things very often.

Question. Did you undertake to adjust the matter, and arrange how they should get on?

Answer. I do not think I did. If a distinct question was put to me, I have no doubt I advised them to the best of my ability; but I have no distinct recollection of any such thing. My general anxiety was to have the thing done. I wanted Mr. Bowman to take the paper.

Question. Do you know of anything that was determined or agreed upon finally?

Answer. I know that they did come to an agreement, and, as I said before, I understood that the substance of that agreement was reduced to writing.

Question. Do you know whether that agreement was carried out between them?

Answer. No, sir; I do not know whether it was carried out. I have heard a great deal of conversation mutually among the parties about it; but whether it was carried out I could not say. They differed in opinion about it at times.

Question. Do you know whether it was an understanding between them that Bowman might be, or expected to be, elected printer to the Senate for the present Congress?

Answer. As to any understanding about it, I cannot state; but I have no doubt it was the expectation of both of them, and I have no doubt it influenced them both. Bowman, I have no doubt, would not have gone into the paper if he had not expected to be elected printer. And Wendell, I have no doubt, expected, as Mr. Bowman had no office to do the work, that he would come to him to do the work.

Question. Was it the subject of conversation?

Answer. I cannot say. I think it was concluded to be a subject that they could best settle among themselves; about which there could be no dispute, as their interests were identical.

Question. What was your idea of what would be the interests of the parties?

Answer. That Wendell, having an establishment, would do the work; that Bowman, if he were elected printer, would hire Wendell's building, or employ Wendell as his agent, and that this might be done upon terms mutually beneficial.

Question. Was it understood that Bowman, out of this printing for the present Congress, should pay anything?

Answer. I do not think they had got as far as that.

Question. Was that their expectation?

Answer. I should say that I supposed it entered into consideration on both sides. It was an expectation, and not an agreement or a positive arrangement. I suppose such an arrangement or understanding as that by which the Clerk and the Speaker of the House of Representatives have been elected.

Question. An understanding that was spoken of?

Answer. I should not like to say; but I have no doubt the subject was talked over. I am sure Mr. Bowman said he would not take the paper unless he expected to have the Senate printing. I am sure of that. And I have no doubt in my own mind that Mr. Wendell as confidently expected that, if Bowman was elected, he would come to him to do the work.

Question. What sum was it that Wendell was to pay annually?

Answer. They made an estimate of the cost, and my impression is Bowman was to receive somewhere about $10,000.

Question. Was that sum afterwards changed; was it increased?

Answer. I do not know of any change. I think that was about the sum he thought it would be necessary to use for the purpose.

Question. To support the paper?

Answer. To support the paper.

Question. What was Wendell to receive for the newspaper establishment and the ten thousand dollars a year?

Answer. I do not know that he was to receive anything. He was already in the receipt of the printing and binding for the departments directly or indirectly, and I imagine he supposed that if Mr. Bowman did not compete with him it would be continued.

Question. Was it in the discretion of anybody to continue it?

Answer. It was in the discretion of those who give it out. I do not know that there was any interference with it.

Question. Who were they?

Answer. Those who have the printing to do, the departments and the Executive.

Question. You allude to the printing for the public offices?

Answer. Yes, sir.

Question. Do you know anything about the distribution of any fund that resulted from the post office printing of blanks?

Answer. No, sir, I do not; I have scarcely had any knowledge of the post office printing. In the beginning of the administration I had

some conversation with various parties about it, and I was told who had it at one time and who had it at another. I may have been told indirectly that A, B, and C had it, but I had no agency in it.

Question. Do you know anything of the receipt of money for the benefit of the "Pennsylvanian" and the "Argus?"

Answer. No, sir; I do not. I have an impression, I scarcely know how derived, about it. I am quite sure Mr. Rice had the post office printing for a time; but how long it was continued, or how his arrangements were modified, I am unable to say. I think in this very conversation to which I have referred, something was said about the Philadelphia "Pennsylvanian" as being in the receipt of a certain sum.

Question. From whom were they to receive it?

Answer. I do not know. My impression is that it came from the executive printing and binding, and it was mentioned as a sort of lien upon that fund in connexion with this demand of ten thousand dollars to Mr. Bowman.

Question. Who assumed to determine where this fund should go to?

Answer. I do not know. If anybody claimed it they got as much as they could. I do not know who had it except the "Constitution" and the "Pennsylvanian."

Question. Was it a fund distributed as a party fund for party services?

Answer. I never heard of such a thing. My knowledge is what I have stated. Mr. Rice, I think, had the contract for the post office blanks, and I suppose he used part of it in carrying on his paper. He did not do the work, as I have always understood, but employed somebody else.

Question. Do you know who did it?

Answer. What I know is from hearsay. I hear things just as you do.

Question. What were the difficulties between Bowman and Wendell upon which your advice was asked for?

Answer. I cannot say that there were any difficulties about it. When they had made their own arrangements and came to the conclusion to make a change of the paper, I was asked by one or both of them to meet them. They talked over matters. I do not know that there were difficulties.

Question. What was the subject of conversation?

Answer. What I have stated to you generally. The subject was generally the sale of the paper from Wendell to Bowman. Wendell was to pay Mr. Bowman, who was not to be a competitor for the printing and binding. He was to pay him a sum of money which was not far from ten thousand dollars. Something was said of a sum which had been paid, and which was then being paid, as I supposed, to the "Pennsylvanian." The two sums taken together were perhaps one as much as the other.

Question. And did these two parties agree to this understanding-Wendell and Bowman?

Answer. I understood it so. I suppose it was essentially reduced to writing.

Question. Did you understand that their agreement was in relation to the printing for the present Congress, and was that reduced to writing?

Answer. I do not think there was any written agreement on that subject. I think if anything was said it was put aside as a thing beyond their control; and they must have confidence enough in each other to arrange it when it was done. From my general knowledge of the transaction, I have no doubt Bowman hoped and expected that he would be the Senate printer, and I have no doubt Wendell expected, if he was, he would be enabled to make an arrangement by which the work would be done at his establishment, and on terms upon which they might agree.

Question. A part of these terms was that Wendell was to pay Bowman these ten thousand dollars?

Answer. Oh, no; that, so far as relates to the executive printing, had nothing to do with the printing for Congress.

Question. Then the ten thousand dollars was to be paid out of the executive printing?

Answer. Yes, sir; the money to be paid to the "Constitution" and the "Pennsylvanian" was outside of the congressional printing.

Question. And was that arrangement or understanding satisfactory, as you learned from their conversation and expressions?

Answer. I judged it to be so. I do not think there was any dispute about it. I think they made their own arrangement, and that it was mutually satisfactory.

Question. How long did Bowman continue Superintendent of the Public Printing after this?

Answer. I do not know. I supposed he had resigned. I had no doubt he would resign after the sale of the paper.

Question. I think, Mr. Appleton, you have stated that Mr. Wendell was desirous that you should take the paper?

Answer. Yes, sir.

Question. And if you had accepted it he would have offered terms equally as favorable as the amount paid to Bowman?

Answer. I have no doubt he would have given to me as favorable terms as those he made with Bowman, for I think he has as much confidence in me as he has in anybody.

Question. And you declined?

Answer. Yes, sir; I declined. I fancy there can be no sort of doubt about this arrangement being made at the time of which I am speaking. The arrangement between Mr. Bowman and Mr. Wendell was patent, but I do not know what they did about it since.

Question. Has Mr. Bowman been elected printer to the Senate?

Answer. I understand so.

Question. Does Mr. Wendell do the printing in accordance with that arrangement?

Answer. I understand not. I do not speak of any positive understanding. The floating expectation is a subject that nobody can precisely detail. I suppose nobody would undertake to divide out the printing before it came.

Question. Was there any conversation at the time the written

agreement was made that it was better that the understanding in relation to the present Congress should not be inserted in the written contract, but be merely an understanding?

Answer. I have said that I do not know of anything being said about its being better to leave that. If they could not get along in harmony after being together eight or nine months, it was useless then to make any arrangement. I do not recollect that anything definite was said about it. I know that Mr. Bowman said he would not take the paper unless he expected to have the Senate printing, and it was generally understood that he would have it if he was editor of the "Union," as it was then called. Possibly there might be some further conversation with other parties in reference to their matters, but I have no distinct recollection of it. It was useless to talk about it, for the Senate printer had not been elected.

Question. You spoke of an expectation on the part of Bowman to have it, and of Wendell to do the Senate printing; do you know how these expectations arose?

Answer. I suppose they arose out of the nature of the case. I do not suppose it was difficult to imagine that the parties would have it.

Question. How do you suppose they originated?

Answer. I know that Mr. Bowman told me that he expected to have the Senate printing; but he had no place to do it in. I think it was a very plain subject of expectation. I have no doubt it formed an ingredient in both their minds.

Question. Your knowledge of it, then, was derived from them?

Answer. I do not recollect; I do not know how I got my information. It was an impression upon my mind. I heard them both talk about it; but that there was a definite conversation I do not think. I suppose they both thought the Senate printing would take that direction. It was natural that Bowman should expect it, and that Wendell should expect to do the work; but it was one of those unwritten and unwritable arrangements that it is difficult to define.

Question. Was this arrangement understood at the time?

Answer. I have no doubt of it being expected, but I do not think it was a matter of distinct stipulation. I have no doubt that both had that expectation, and I confess I am rather sorry that they did not carry it out. I think it would have been better for the government, and certainly better for them.

Question. If there is anything further in relation to the printing that comes within the resolution appointing the committee that you have not stated, be pleased to state it.

Answer. I do not know that there is anything that I can add. I have heard a great deal of floating conversation about it.

No. 82.

THURSDAY, *May* 31, 1860

WILLIAM H. WITTE called and sworn.

By the CHAIRMAN :

Question. Where do you reside ?

Answer. In Philadelphia.

Question. What is your occupation ?

Answer. Well, sir ; I am in the manufacturing business, chiefly ; in various branches of business.

Question. Were you applied to in 1858, during the canvass by General Foster, for some money ?

Answer. Yes, sir ; do you wish me to state the circumstances ?

Question. I will ask for another question. Did you, a few days before the election that year, telegraph to Mr. Barclay to draw on you for a certain amount ?

Answer. I did.

Question. For what amount ?

Answer. For $600.

Question. Had General Foster spoken to you, or written to you, or both, on the subject before ?

Answer. He had both spoken and written to me previously on the subject.

Question. Did you ever cash that draft ?

Answer. No, sir.

Question. What was the reason you did not ?

Answer. Well, sir ; my telegraphic despatch having been made public, I thought if I paid the draft, perhaps, the nature of the transaction between General Foster and myself might be misconstrued ; therefore I did not pay the draft.

Question. Were you not in the habit of calling transactions for political purposes loans, saying that you were loaning the money ?

Answer. I never had any transactions of that kind.

Question. Was it not called a loan ?

Answer. O ! It was a loan.

Question. Was it one of those loans that you expected to have repaid to you ? Had you paid the draft would you have expected to get it back ?

Answer. General Foster had sent me his note for the amount, and at the time I supposed it would be paid when it was due.

Question. Had you any business relations with General Foster relative to some railroad solicitorship, that you should pay money ?

Answer. No, sir.

Question. Had you employed General Foster at any time to attend to some railroad matters, for which you should pay him a sum of money?

Answer. Never.

Question. You would have paid this draft you say, only from the fact that a knowledge of it had got to the public ?

Answer. Yes, sir; I think I would; I intended to pay it; I had authorized Mr. Barclay to draw on me.

Question. Are you an engine builder yourself? I mean have you had experience in that business, or are you only a contractor for the government?

Answer. I have no practical knowledge of the business.

Question. Are you interested generally in the establishment that has been building these engines, or were you simply the party that got the contracts from the government and became interested in that way?

Answer. I was a partner with them in the contract, having an equal interest, only, however, in the work for the government.

Question. You were interested only in the government work?

Answer. Yes, sir; not in a general way.

By Mr. ROBINSON:

Question. You intimated that you would like to explain the whole transaction.

Answer. If the chairman preferred it, I would have stated the circumstances.

Question. I did not know but what you wanted to make some explanation.

Answer. No, sir.

No. 90.

FRIDAY, *June* 8, 1860.

GEORGE SANDERSON called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Aswer. I reside in Scranton, Luzerne county, Pennsylvania.

Question. What is your occupation?

Answer. I am in the law business and in the banking business.

Question. What are your politics?

Answer. Well, sir, since my youth up I have acted with the democratic party.

Question. Do you know of any money having been improperly used in Colonel Scranton's election, or in that district?

Answer. I do not, sir.

Question. Being a banker, we supposed that if moneys had been sed in that way you would be likely to have some knowledge of it. Do you know of any money being used at all?

Answer. No, sir; I do not know of a dollar. I cannot say that now of the value of a farthing having been got from my bank by any indvidual, or in any manner, directly or indirectly, connected with the election of Colonel Scranton.

Question. Can you explain why it was that Colonel Scranton go

such a tremendous vote in that district, overcoming a majority of some eight thousand?

Answer. The majority of Governor Packer was about four thousand, and the year before, on the other ticket, the majority was about three thousand five hundred.

Question. Well, sir, what explanation have you to give for the enormous vote that Col. Scranton got in that district? What was the cause of it?

Answer. There were a combination of causes.

Question. What moneyed influence or corruption was brought to bear to secure his election?

Answer. None that I am aware of.

Question. Jast state what the causes were, then, if you please.

Answer. The democratic party—for that is the party that I affiliated with and am most acquainted with—got very much discouraged and seriously disaffected by the disposition which the State administration and the democrats in the legislature had made of the public works; that was the first thing. Along through Luzerne county, connecting north and south, is a canal costing the State some four or five millions of dollars, and the democrats believed that the Sunbury and Erie Railroad had got possession of that by corrupt means, and they thought Gov. Packer ought to have interfered. The consequence was a general dissatisfaction, and a lack of confidence in the party in the State. That was the first cause; and the next was on account of other differences, which grew out of questions connected with the course of the administration with regard to Kansas. A good deal of discussion was had in that district upon that subject; and without any particular co-operation on the part of democrats, it was found that the great mass of the people were not disposed to approve the course which the administration had taken upon that question, but were rather disposed to sustain the position which Mr. Douglas had taken. There had been no action particularly upon the subject, but it produced a great deal of excitement, and many of them declining to organize separately from the democratic party, but desiring not to indorse the course of the administration on the Kansas question, gave notice to the convention at Wilkesbarre that they must not nominate Mr. Leidy, that member of Congress who had gone entirely with the administration upon this question, for they would be compelled to vote against him or they would not vote at all. The result was that they threw Mr. Leidy over, but passed resolutions approving his course, and nominated a person who was equally objectionable. The republicans as a party—the pure and simple republicans, not the extreme men—got together to make a nomination, and were going to nominate a man as radical as the generality of them are, but they were told by the anti-Lecompton or Douglas men and others disaffected with the course of the State administration, that if they would nominate a conservative and fair man, they would perhaps be able to concentrate this strength upon him. They then called a people's meeting at Wilkesbarre and nominated Col. Scranton. Col. Scranton voted with us for Gov. Packer, and since the dissolution of the whig party he had often voted with the democrats. We thought he was the best

man we could get, and as we knew he had voted for Gov. Packer, we thought he was just the man for this occasion. Then the third cause was on account of the general prostration of business in the county, growing out of the low prices of coal and iron. The great body of the people, voters in that county, are connected with the mining business, and they got it into their heads, whether right or wrong, that when they did not get work, or were compelled to work for very low wages, the whole thing was owing to the course of the democrats in not giving them a tariff. That same thing has been done before in Pennsylvania, and it was a mania that spread abroad through the whole county. This was the third cause, and it operated very powerfully. Then Col. Scranton was a pioneer. He came there when the country was a forest, and was instrumental in building up the northern part of Luzerne county, until a little town which only contained a population of 1,800, now contains 18,000. The town of Providence, in which Col. Scranton is located, now contains that population. The borough of Scranton contains a population of ten thousand, and is almost the third borough in the State. Col. Scranton's *prestige* was very great. Every man thought a great deal of him. I dont know of any man in the State who has the extent of personal influence through that section which Col. Scranton has; and that *prestige* was a very great thing in his favor. We did not expect any such thing, but the result was, when his party nominated him, that the whole force of the anti-administration men, the Douglas men as they call themselves, and the tariff men, all turned in and gave their support to him, and it surprised me. I know I was struck aback as much as any one, that with a democratic majority in the district of 3,500, he should have run 3,900 the other way.

Question. You have a very large mining and manufacturing interest there?

Answer. Yes, sir. Ours is a mining community.

Question. That interest, I understand you to say, went for him?

Answer. Entirely, *en masse*. The borough of Scranton polled nearly eleven hundred votes, and I think there were only about a hundred votes against the colonel.

Question. How did the other men run who were upon the ticket with him?

Answer. One of the democratic candidates for the legislature was elected by a very small majority, about fifty or sixty, and two republicans were elected. The democrats ought to have had fourteen undred majority. That is the usual majority in that county.

By Mr. WINSLOW:

Question. What did you say the democratic majority in that district was?

Answer. I think the democratic majority in the district the year before was about 3,500.

Question. And what did Col. Scranton succeed by?

Answer. I think about 3,900.

Question. How did you vote? Have you any objection to stating?

Answer. I voted for Col. Scranton. He is a neighbor of mine.

Question. When did you arrive in this city?

Answer. Last evening, sir.

Question. Did I understand you to say that there was no money used in that election?

Answer. There was none used that I am aware of.

Question. You do not say that there was not any used?

Answer. Oh! no, sir. I do not know.

Question. You do not know of your own knowledge?

Answer. No, sir; not of my own personal knowledge. I do not know of any; and if there was any used, I was not the person they would have been likely to use it through. It was the first time in the history of my life that I had given a vote for any person who was not on the democratic ticket. I disbursed a great deal of money, but I do not recollect a dollar either borrowed of me or passing through our office for that purpose, in any manner or form.

By Mr. TRAIN:

Question. Do you know how you came to be summoned here?

Answer. No, sir.

Mr. WINSLOW. He was summoned on my motion.

By Mr. WINSLOW:

Question. Have you conversed with any member of the committee since you have been in the city?

Answer. Yes, sir. Some one introduced me to Mr. Covode last evening.

Question. Did you talk with him?

Answer. I had a few moments' talk with him. He asked me some questions with regard to my being here. It was mere general talk—that is all.

Question. You came yesterday evening?

Answer. Yes, sir. There were several of us came together.

No. 93.

FRIDAY, *June* 8, 1860.

J. HENRY PULESTON called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Pittston, Luzerne county, Pennsylvania.

Question. What has been your occupation there?

Answer. Until recently I have been publishing a paper there.

Question. What kind of a paper, democratic or republican?

Answer. Republican.

Question. Did you take an active part in the election of Mr. Scranton?

Answer. Yes, sir; I took a pretty active part in it.

Question. Were you not his leading man or friend, who travelled around with him?

Answer. Well, sir, I was with him most of the time, not all the time; we had a very short campaign, about three weeks. I was with him the greater part of the time, and travelled with him; generally the only one; sometimes we had one or two others who joined him on the road. I attended generally to his private correspondence.

Question. I understand that you are well acquainted with everything connected with that canvass.

Answer. I thought I was; I will not undertake to say that I knew everything; but I thought I knew as much as any one.

Question. Do you know of any corrupt or improper means being made use of to elect Mr. Scranton?

Answer. No, sir; I do not; neither directly nor indirectly.

By Mr. WINSLOW:

Question. Do you know of the use of any money in the election of Mr. Scranton, either by him or his friends?

Answer. Oh! yes, sir.

Question. Please state all about it.

Answer. I have given $20 to editors in the district for printing tickets.

Question. Do you know of any corrupt use of money at all?

Answer. No, sir.

Question. Or of papers being bought up?

Answer. No, sir.

Question. Do you know of the sum of $4,000 being expended?

Answer. No, sir; I know of no such sum.

Question. Do you know of any sum being expended in his election?

Answer. Not improperly.

Question. Do you know of any fund being raised for his election?

Answer. No, sir; I do not; no fund whatever.

Question. Do you know of any illegal voting at that election?

Answer. No, sir; I do not know of it on either side; the election was pretty much one way; there was a great deal of enthusiasm for Mr. Scranton.

By the CHAIRMAN:

Question. What begot that great enthusiasm for Mr. Scranton?

Answer. A large majority of the people were miners, &c. The district gave usually a democratic majority of about 4,000, but the people had become tired of free trade, as they expressed it, and were determined to change the administration, as they were very much disgusted, or professed to be, with the present administration of public affairs, and they determined to do all they could in our district to effect a change. That, coupled with Mr. Scranton's great popularity, made a change of some 8,000 votes in the district. In his own borough of Scranton, which usually gives a democratic majority, he had an almost unanimous vote. In Pittston, where I reside, there are some 7,000 or 8,000 inhabitants, and there were only some 35 votes against him.

Question. You are satisfied that there were no corrupt influences in that election?

Answer. Certainly; I am satisfied of that.

By Mr. WINSLOW:

Question. Do you know Mr. A. B. Dunning?

Answer. I do not know him intimately; I know him.

Question. Where does he live?

Answer. In Providence, I think.

Question. Do you know anything about any overtures being made to him?

Answer. I do not.

Question. When did you arrive in this city?

Answer. Last evening; a little after six o'clock, I think.

No. 94.

FRIDAY, *June* 8, 1860.

A. DAVIES called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside at Scranton, Pennsylvania.

Question. What is your occupation?

Answer. I am the editor of a paper.

Question. What paper?

Answer. The "Herald."

Question. Is it a republican or a democratic paper?

Answer. Democratic.

Question. Did you support Mr. Scranton for Congress, in opposition to the nominee of your party, in 1858?

Answer. I did.

Question. Did you receive any pecuniary consideration for doing so?

Answer. I did not.

Question. Are you aware, of your own knowledge, of any improper use of money during that contest?

Answer. No, sir.

Question. Can you account for the large vote Mr. Scranton received in that district?

Answer. Well, I think I can, somewhat.

Question. What was the leading cause?

Answer. The leading cause was that a very unpopular man was nominated on the democratic ticket; that is, he was so as far as I know; that was at the other end of the county.

Question. Were there any inducements offered you from the other side to induce you to support Mr. Scranton?

Answer. No, sir; I told the conferees, previous to the nomination, that if Mr. McReynolds was nominated I would not support him; I told them so in the presence of all the conferees and a bar-room full of people.

Question. Do you state that you know of no improper or corrupt means made use of to secure the election of Mr. Scranton?

Answer. I do not; none at all. I had no conversation with Mr. Scranton or any of his party friends, in relation to the election, previous to my coming out and supporting him. I did talk with some few democrats in relation to the course I intended to pursue.

By Mr. WINSLOW:

Question. Do you know anything about the use of money by Mr Scranton or his friends in the election?

Answer. I do not know of a dollar being expended.

No. 95.

FRIDAY, *June* 8, 1860.

DAVID S. KOON called and sworn.

By Mr. TRAIN:

Question. Where do you reside?
Answer. In Pittston, Pennsylvania.
Question. What is your business?
Answer. I am an attorney-at-law.
Question. How long have you been in practice there?
Answer. About six years in that place.
Question. Were you in the district at the time of Mr. Scranton's election?
Answer. I was.
Question. Do you know of your own knowledge of the use of money by Mr. Scranton to secure his election?
Answer. I know the payment of a small sum, and I saw a letter written by Mr. Scranton, which——
Question. You need not state the contents of that letter at present. To whom was the letter written?
Answer. To a gentleman by the name of Mr. Puleston.
Question. Give his whole name, if you please.
Answer. J. H. Puleston.
Question. You say you know of a small sum of money; what was it?
Answer. Only $30.
Question. What was it for? State all you know about the transaction.
Answer. There was a hotel keeper in our place that complained that Mr. Scranton had not paid him, as he had agreed to, the amount he agreed to. He came to me for advice, and wanted to sue him. I told him he had better not sue him; that he had better write to him. He did so, and in reply Mr. Scranton wrote to Mr. Puleston, a resident of our town.

By the CHAIRMAN:

Question. Did he write to him, or did you write to him?

Answer. I did not write to him. He wrote to Mr. Puleston to settle, and in a day or two Mr. Puleston handed me a draft for $30, which I gave to this man. Mr. Puleston showed me Mr. Scranton's letter, in which he said the campaign had been heavy, and he thought the hotel keeper had had something like $100 then, and supposed he had paid all he ought to, or something like that. That is all that I know of my own personal knowledge. I suppose hearsay evidence is not received by this committee.

By Mr. TRAIN:

Question. No, sir; it is not. What is the name of this landlord, or hotel keeper?

Answer. John Love.

By the CHAIRMAN:

Question. What did he say that money was for?

Answer. For forwarding the interests of Mr. Scranton at the election.

By Mr. TRAIN:

Question. How? By furnishing refreshments to the people?

Answer. Liquors. He was directed to furnish liquors on Mr. Scranton's account to every one that called; not refreshments generally. The place where the election was held in that district—the polls—was at this tavern.

By the CHAIRMAN:

Question. Did you not get part of that money?

Answer. No, sir; I never got a cent of Mr. Scranton's money.

Question. I mean a part of the $30?

Answer. Not a cent.

By Mr. TRAIN:

Question. The amount of it was, that that $30 was a debt which Mr. Scranton owed him for refreshments that he had furnished Mr. Scranton's friends?

Answer. Well, it may be called so, perhaps.

Question. And through your intervention and that of Mr. Puleston the $30 was paid; the draft went through your hands, and you charged a commission, I suppose?

Answer. I charged nothing.

By the CHAIRMAN:

Question. Did you not see Mr. Scranton's letter, in which he said he knew nothing about this matter?

Answer. I think Mr. Scranton said he did not know how matters stood; that he left it to Mr. Alton to settle matters there. I do not recollect the contents of that letter altogether. My impression is now that he referred to Mr. Alton to pay this account.

By Mr. TRAIN:

Question. Davis Alton is the man you speak of?
Answer. Yes, sir.
Question. Is he here?
Answer. He is not; his name was sent to this committee.
Question. Did you write this letter? [Showing witness a letter.]
Answer, (after examining it.) That is my letter.
The letter is as follows:

"PITTSTON, *Pa.*, *April* 5, 1860.

"DEAR SIR: I send you, at the suggestion of Hon. Thomas B. Florence, the names of witnesses by whom it can be shown that large amounts of money were expended by Mr. Scranton and his friends to secure the election of Mr. S. to the present House.

"There need not be the least trouble in showing this if these witnesses can be brought before the committee. I have already sent on the names of the same witnesses to Mr. Covode, the chairman, but I suppose he is not anxious to inquire into the matter on the black republican side:

Luzerne county.

John Brisbin,	Scranton.	R. D. Lacoe,	Pittston.
Geo. Sanderson,	"	J. H. Puleston,	"
A. Davis,	"	*A. C. Thompson,	"
Ira Tripp,	"	John Love,	"
Joseph Scranton,	"	Frederick Helf,	"
G. W. Palmer,	"	M. Philbin,	"
M. Meylert,	"	D. S. Koon,	"
*Daniel Lundy,	"	Wm. P. Miner,	Wilkesbarre.
John Stewart,	Lackawanna.	*H. M. Hoyt,	"
Davis Alton,	Carbondale.	G. M. Harding,	"

A. F. Russell, Danville, Montour county.
Palemon John, Bloomsburg, Columbia county.
Frank Stewart, Berwick, Columbia county.
O. F. Gaines, now of Boonton, New Jersey, (important.)

"I have put my own name in, as will be seen, as a draft on Mr. Scranton, and in favor of a client of mine, passed through my hands.

"Should it be deemed unnecessary to send for so many, I have marked those that may be dispensed with with a star.

"Very respectfully,

"D. S. KOON.

"Hon. WARREN WINSLOW."

Question. All the personal knowledge you had in reference to the subject matter of that letter you have now stated to the committee, have you not?

Answer. Yes, sir, about the payment of money.

Question. You do not know that there was any corrupt or improper use of money at all, of your own knowledge?

Answer. I never saw any money paid directly by Mr. Scranton.

By the CHAIRMAN:

Question. Did you not see the letter from Mr. Scranton, saying that he knew nothing about the matter, and referred it to Mr. Puleston?

Answer. I say that I cannot state the whole of the letter.

Question. Do you not know that Mr. Scranton said that was an attempt to black-mail him, and for Mr. Puleston to settle it as he pleased?

Answer. I do not recollect.

Question. Did you not see the letter, or was it not read to you, stating that it was an effort to black-mail him; that he would have nothing to do with it, and for Mr. Puleston to settle it as he pleased?

Answer. I cannot say whether those words were in it or not.

Question. Was not that the substance of the letter?

Answer. I have stated the substance of the letter to be that he did not know of this; that he supposed all these matters were settled; that he supposed Mr. Alton had settled up these matters, and referred it to Mr. Puleston.

Question. Did you not yourself write the letter to Mr. Scranton that was enclosed by Mr. Scranton to Mr. Puleston?

Answer. No, sir.

Question. Were you not in the store or post office, or wherever that letter was opened and posted up?

Answer. No, sir.

Question. And was it not on the bottom of the letter that it was written by you?

Answer. No, sir; I never wrote a word of it.

No. 93.

FRIDAY, *June* 8, 1860.

J. H. PULESTON recalled.

By Mr. WINSLOW:

Question. Do you know anything about a letter signed by John Love that was received by Mr. Scranton?

Answer. Yes, sir.

Question. Do you know John Love's handwriting?

Answer. No, sir.

Question. You do not know who wrote that letter?

Answer. I have no positive knowledge of it; but I have had so much to do with Mr. Koon's handwriting that I know it. I do not know that I can positively swear to it; but when I received the letter from Mr. Scranton with the other one enclosed, I held it up and proclaimed it to be Mr. Koon's writing.

Question. From your knowledge of Mr. Koon's writing, you believed it to be his?

Answer. Yes, sir.

Question. Mr. Scranton wrote to you?
Answer. Yes, sir.
Question. Enclosing the other letter to you?
Answer. Yes, sir.
Question. What were the contents of Mr. Scranton's letter?
Answer. I think in the letter he says: "This is the second or third letter I have had from that man. I have no knowledge of this matter whatever, and do not recognize it in any form or shape. But you do with it as you think proper," or words to that effect.

By Mr. TRAIN:

Question. Was this man Koon present when you received Mr. Scranton's letter with the enclosure?
Answer. He came into the post office a few moments after I received it. When I opened it, and saw what it was, I remarked—"Look at Koon's work." I said this jocularly, because the thing was so absurd. I showed it to the postmaster, among others. The letter was so ridiculous, and yet so characteristic of the man, that I showed it there, and had much fun over it. Mr. Koon denied it to be his handwriting, but he knows to this day that I say it was his.
Question. Did you stick it up in the post office or paste it up?
Answer. No, sir; I held it up there and showed it. The letter went on to say: "I will expose you to the 'Luzerne Union' (which is a democratic paper) and show you up."

By the CHAIRMAN:

Question. Did you look upon it as an effort to black-mail Mr. Scranton?
Answer. Yes, sir; as an effort to get the money.
Question. Mr. Scranton knew nothing of this claim?
Answer. No, sir.

By Mr. WINSLOW:

Question. You looked upon it as an attempt to coerce money out of Mr. Scranton by a threat to expose him in the paper?
Answer. Yes, sir.

No. 99.

FRIDAY, *June* 8, 1860.

GEORGE W. WALLING called and sworn.

By the CHAIRMAN:

Question. Where do you reside?
Answer. Second avenue, No. 325, New York city.
Question. What is your occupation?
Answer. I belong to the police department; I am a captain of the detective police force.

Question. Have you any knowledge or information of money being raised for or men sent into Connecticut at the last election?

Answer. I have no personal knowledge of it.

Question. State what you know about that, and what the character of your information is.

By Mr. WINSLOW:

Question. State nothing hearsay; state what you know of your own knowledge.

Answer. I have no personal knowledge of anything; in my official capacity I received some information, but I have no personal knowledge.

By Mr. TRAIN:

Question. All you know is what you have derived from the men under you.

Answer. All my information I have received from that source.

No. 85.

FRIDAY, *June* 1, 1860.

HORACE F. CLARK called and examined.

By Mr. WINSLOW:

Question. What congressional district do you represent in Congress?

Answer. I represent the 8th congressional district of the State of New York. It is the upper district of the city of New York.

Question. I will read you the last resolution under which this committee is acting. [Mr. Winslow then read the resolution in relation to the use of money in elections.] I wish to ask you with regard to the practice in the State of New York of using money in elections, so far as it has come to your knowledge, either personal knowledge or by reputation. I do not confine myself to one party, but refer to all parties.

Answer. There is no question, gentlemen, but that money is employed in and about elections in the city and State of New York by all parties. I should think it would be fair to say that each party gets all the money it can for that purpose, the only difference being that the democratic party employs the money to bring out democratic votes and the other parties to obtain votes of their own description. The statement of the President in the Du Quesne letter, referred to in the resolution just read to me, is undoubtedly true. The practice is regarded as a great and growing evil.

Question. You consider that practice universal in the State of New York?

Answer. So far as I know it is universal. I am not very well acquainted with the local politics of the western part of the State. But for the ten last years I have been sufficiently acquainted with political

affairs to know that the employment of money for election purposes is one of general practice. And I think that any candid man with any information upon the subject must admit the fact. There are very many legitimate expenses attending elections. Those legitimate expenses are very great, and must be borne either by the candidate or by his friends. I do not undertake to discriminate in the answer which I have given between what may be regarded as legitimate expenses and expenses which may be deemed illegitimate. The printing and the circulation of documents for the information of the people, and the providing safeguards about the polls, are all the subjects of large expenditures, and they are legitimate. There are undoubtedly illegitimate expenses of elections.

Mr. TRAIN. I will state that the committee have not undertaken under this resolution to inquire into the expenditure of money in elections except where we supposed the money was in some way drawn from the government.

Mr. WINSLOW. It is due to myself to state that I differ with the majority of the committee upon that point. The resolution is a broad one, to inquire and report to the House whether money is used in elections by any one; and I suppose the object is to see if any legislation can be devised in relation to the matter. The connexion of the government with our inquiry is embraced in the first resolution. But the second resolution has no reference to the connexion of the government with the subject of investigation.

Mr. ROBINSON. I think myself, with Governor Winslow, that the second resolution covers this inquiry; but I do not think the House has the power to order the inquiry.

Mr. TRAIN. I have no occasion to deny your construction of the resolution; but we have not acted upon that construction.

The CHAIRMAN. It is proper to state here that we have not pursued the investigation except where it was supposed that it had some connexion with the government or government officers.

The WITNESS. Money has been raised in New York and sent to Pennsylvania to aid in the payment of election expenses.

By Mr. WINSLOW:

Question. By both parties?

Answer. I am more familiar with the contributions of the democratic party for the purpose of aiding in the payment of election expenses in Pennsylvania. But I am satisfied that all parties obtain contributions of money for election purposes; I do not say otherwise than legitimately. I differ from some gentlemen as to the morality of such transactions. I do not think that the employment of money to enlighten the public as to the political issues of the day, or to secure the ends of good government, is wrong. I think it is right, and I know it to be necessary. The evil is, perhaps, incident to our election system, and is probably beyond the reach of Congress.

No. 104.

SATURDAY, *June* 9, 1860.

JOHN B. HASKIN called and examined.

By Mr. TRAIN:

Question. Do you know Samuel F. Butterworth, the superintendent of the assay office, New York?

Answer. Yes, sir; very well.

Question. I want to inquire if you know, of your own knowledge, anything in reference to his sending men into your district to defeat your re-election to Congress?

Answer. I have good reason to believe that he sent men into my district who were in the employ of the government under him, as I have good reason to know that Mr. Schell, the collector of the port of New York, did the same thing.

Question. How do you know that?

Answer. I know it from having seen the men in the district at work before the election, at the primary election and at the general election.

Question. Do you know they were men in the employ of the government in his office?

Answer. Yes, sir.

Question. How many men were sent there?

Answer. I know of three that Mr. Butterworth sent, as I believe, two of whom, I think, were expressly appointed for the purpose of travelling over my district and doing what they could to defeat my re-election.

Question. Was Mr. Browne, of the "Constitution," sent into your district?

Answer. Mr. Browne, of the "Constitution," addressed a public meeting at Morrisiania, and his speech on the occasion, according to my recollection, was mainly devoted to denunciations of me. That speech was reported in the New York administration paper.

Question. Were you the candidate of the republican party in your district in 1858?

Answer. No, sir; I was not the candidate of the republican party. After the adjournment of the 35th Congress I went home and announced myself as an independent democratic candidate; but I was not nominated by the republicans nor by the Americans; I ran as an independent democrat, and at every meeting at which I addressed the people I announced myself as such, and in argument antagonized the republican party upon their doctrine in favor of congressional intervention to prohibit slavery in the Territories. I desire to remark here to the committee that a statement was made by Mr. Butterworth that upon my request he had paid money towards my election in 1856, and that he had paid it to me personally. That is not so. I never requested Mr. Butterworth to contribute a dollar towards my election, nor did he ever give me a dollar towards it. He gave a financial agent of mine $100 under peculiar circumstances.

No. 110.

TUESDAY, *June* 12, 1860.

WILLIAM KARNS called and sworn.

By the CHAIRMAN:

Question. Where do you reside?
Answer. In Reading, Pennsylvania.
Question. What is your occupation?
Answer. I have been contracting for the public works for a number of years.

Question. Did you reside in Reading in the fall of 1856?

Answer. I did.

Question. Did you at that time receive a quantity of blank naturalization papers from Philadelphia?

Answer. Yes, sir; I received some blanks at that time.

Question. How did you receive them, by mail or express, or in what way?

Answer. I think some few came to me by mail.

Question. Did they come to you under the frank of any persons; and if so, under whose?

Answer. I think one or two came under the frank of Governor Bigler, and some came under the frank of other persons, but I am not positive who they were. Governor Bigler's frank is the only one I am positive about; I think there were, perhaps, three packages sent, and one of them I know was under the frank of Governor Bigler.

Question. Were there large quantities of these papers sent to you?

Answer. No, sir; there were but few.

Question. How many did you get altogether, do you think?

Answer. Well, I have said to persons that I had three hundred or four hundred, but that is not so; I looked them over on Sunday last, and discovered that there were perhaps two hundred or two hundred and thirty altogether. Some of them had what purported to be the seal of the court and the signature of the prothonotary; others were mere blanks.

Question. Did you make application to Mr. Sallade for the use of his back office?

Answer. No, sir; I did not.

Question. Who sent these papers to you from Philadelphia?

Answer. They were either left at my house by Mr. Brown, or handed to me in person by him; I am not positive which. I have been trying to recollect whether he gave them to me in person, or left them at my house; I think they were left by Mr. Brown at my house. At any rate, they came from Mr. Brown.

Question. Did you not receive a letter relative to the use to be made of them?

Answer. I did.

Question. From whom was that letter?

Answer. There was no signature to it.

Question. Were there any initials to it?
Answer. It was signed "R," at the bottom of the letter.
Question. Did you not know the handwriting of that letter?
Answer. That letter I compared with another that I had from a man in Philadelphia, which was signed "Brown."
Question. Reuben F. Brown?
Answer. Yes, sir.
Question. Did you know the handwriting of that letter?
Answer. I thought the handwriting was the same as that signed "Brown."
Question. Did you not know from other circumstances that the letter was from Mr. Brown?
Answer. Yes, sir; I believe the letter was from Mr. Brown; I think he asked me afterwards if I had got the letter.
Question. Did the letter state where these papers were to be used?
Answer. No, sir.
Question. Did you know where they were to be used?
Answer. No, sir.
Question. Did you not know that a portion of them were to be used on the Union canal enlargement, among the Irish?
Answer. No, sir.
Question. Did you have any conference with any one relative to these Irish being supplied with these papers?
Answer. I do not recollect of any conversation as to their being used on the Union canal; that is only my supposition; I had then some 150 men employed on the canal, and I supposed that the object of giving me these papers was for them; I did not know.
Mr. WINSLOW. I wish it to be understood that I do not think this is evidence, but I do not object to it at all.

By the CHAIRMAN:

Question. You say that you did not know that they were fraudulent papers; what impression was made upon your mind when you saw them with the seal of the court and the signature of the prothonotary upon them?
Answer. I did not know that it was the seal of the court.
Question. Did you not know that it was irregular; that you could not fill in the name of a party in the country in papers with the seal of a Philadelphia court upon them; you say that you did not know that they were fraudulent papers?
Answer. I did not know they were fraudulent.
Question. Did you not know that you could not in Berks county, fill in the names of parties in papers prepared in Philadelphia?
Answer. Certainly; but my impression was that they were not fraudulent until they were filled up.

By Mr. TRAIN:

Question. You knew this; that if you had these papers with a genuine seal and signature, it would be a fraudulent use of them to fill them up?
Answer. Certainly, that is what I mean; these were not filled up;

the view I took of it was that unless they were filled up by inserting the names of some persons, giving their places of birth, &c., they would not be fraudulent.

By Mr. WINSLOW:

Question. You looked upon the papers as being genuine blanks, and the seal of the court and the signature of the prothonotary as also being genuine?

Answer. That I cannot say. I looked them over on Sunday, and there are two kinds of signatures to them. There is a kind which I think likely is the signature of one who was prothonotary at the time they were issued; it looks like a genuine signature. In examining those signed "Fletcher," I am inclined to think they were not all written by one person. It looks to me as though that signature was written by different persons; however, I am not judge enough of that to determine. But those signed "Vineyard," or "Vingard," or something of that kind—I have only two of them; at least, that is all I saw upon looking them over on Sunday—that looks to me as though it was a correct signature.

By the CHAIRMAN:

Question. Did you bring a sample of those papers to the city?

Answer. No, sir.

Question. Where are what are left of them now?

Answer. I possibly may have burned a few of them; the others I have at home.

Question. What time did they come to you—close to the election?

Answer. Previous to the governor's election.

Question. Very near to the election?

Answer. A short time before. I cannot say whether it was two, three, or four weeks previous to the election; it was three or four weeks probably.

Question. Can you state the contents of that letter that you believed to be from Mr. Brown?

Answer. That letter that I supposed to be from Mr. Brown was a private letter altogether to me, and I do not want to expose the contents of it unless I must.

By Mr. TRAIN:

Question. Have you the letter with you?

Answer. I have not; it was altogether a private communication to myself.

By the CHAIRMAN:

Question. Was the letter upon the subject of these papers?

Answer. It spoke of the papers.

Question. Of the use of them?

Answer. Yes, sir.

[The witness was then requested to leave the room, which he did.

The committee had some consultation as to whether the witness should be compelled to state the contents of the letter, and it was agreed that he should be asked to do so.

The witness was then recalled, and his examination resumed as follows:]

By Mr. TRAIN:

Question. We understand that this letter came with these papers?

Answer. No, sir; I do not know that it came with them.

Question. In connexion with them?

Answer. A large bundle of the papers, as I have stated before, were left at my house by Mr. Brown, or handed to me in person by him. I am not positive that the letter came with the papers, but my impression is that it came by mail.

Question. That is, the letter signed "R?"

Answer. Yes, sir.

Question. And it was in reference to the use of these papers?

Answer. Yes, sir.

Question. What directions did it give you in reference to those papers?

Answer. Am I obliged to answer that?

Question. The committee have so decided.

Answer. As I have stated, there were signatures, as they purported to be, of two different prothonotaries. Some were signed "Vineyard" or "Vingard," I am not positive which. He was prothonotary in 1850, but is dead. This letter explained (I cannot recollect the letter exactly, though I read it last Sunday) that in filling up these papers they must be made to correspond to the date. I am not certain whether I got the impression from the letter or from conversation, that these papers had been left over in the office, and had been got out in some way.

Question. And when they were filled up they were to be made to correspond with the time the prothonotary was alive, whose signature was attached?

Answer. So as to correspond to 1850, the date of the signature. The others purporting to have been signed by Fletcher, were signed in 1856, I suppose; but I do not know that.

Question. Where did it direct you to distribute them?

Answer. It did not say.

Question. What else did the letter say about naturalization papers?

Answer. Well, sir; it said that there were thousands of them being used or distributed, I do not remember which.

Question. Did you distribute them, or did you refuse to do so?

Answer. I never distributed them; I do not knowth at I was ever asked to do it at all.

Question. Did you advise with anybody in reference to them?

Answer. I do not know as I did. This was a thing talked of by a number of gentlemen there, as it was well known there. There was a man came to me once about them, and I told him: "Now, you just keep your fingers off them, or you will get yourself into the penitentiary."

Question. Did you have any talk with Sallade about distributing them?

Answer. No, sir.

Question. Did you see Brown until after the election?

Answer. Yes, sir; before. I told Brown, when he asked me about these papers, that I had burned them; I think I told him that I had burned them.

By the CHAIRMAN:

Question. Where was Brown living at that time?

Answer. He was deputy naval officer in Philadelphia. I will say that I think there were two of these papers in the envelope with Governor Bigler's frank; I know that I was cross about it when I read it, and I received three or four under the frank of some members of Congress from Philadelphia.

Question. Do you recollect any of those franks?

Answer. None, except Governor Bigler's; I recollect that distinctly from the fact that I said to a friend of mine, "What an outrage this is; suppose that some other administration should get the control of affairs, and this letter should be sent to the dead letter office, and they should open it and find these papers in it under Governor Bigler's frank;" and I will say that none of the papers that I got from Brown were used to vote upon; that I am positive of.

Question. Do you know why it was that they were sent to you particularly? Was it not because you were a contractor, and had a large number of Irish employed?

Answer. That is the supposition; but it is a mere supposition of my own.

By Mr. WINSLOW:

Question. I understand you to swear that you never used any of these papers?

Answer. I never did, and I am satisfied that none of those that Brown handed to me, or those that came under the franks of these gentlemen I speak of, were ever used for the purpose of voting, or in any way used fraudulently.

By the CHAIRMAN:

Question. Did you know the handwriting of Governor Bigler when you saw this frank upon these papers?

Answer. I do not know that I looked at it particularly; I would know it if I were to take it and examine it.

The witness having read over his testimony desires to make the following explanation:

Shortly after having received those papers I packed them up with a letter which I wrote, explaining from whom I got them, together with the letter which I received from Mr. Brown; this was done in case they should be found in my possession after my decease:

SENATE CHAMBER, *June* 12, 1860.

SIR: I have learned that Mr. Karns, of Reading, Pennsylvania, who testified before your committee this morning, stated that he had received certain fraudulent naturalization papers, under my frank, in

1856. I solemnly aver that I never franked any such papers to Mr. Karns or any person, and never was possessed of the slightest knowledge of the affair.

Very truly your obedient servant,

WILLIAM BIGLER.

Hon. JOHN COVODE.

No. 111.

TUESDAY, *June* 12, 1860.

JOHN COVODE examined.

By Mr. WINSLOW:

Question. Are you the treasurer of the republican executive committee?

Answer. I am the treasurer of the congressional executive committee.

Question. Is this paper a true copy of a circular issued by you?

Answer. That is a copy of a circular that we have circulated broadcast over the land to let the people know what speeches we have, and that they can have them by sending the money for them.

Question. Do you know anything about the expenditure of money in elections in Pennsylvania?

Answer. I do not. I have been charged in the papers with having received and disbursed $100,000 in 1856. I state most positively that I have never received and distributed one cent in any such way. All my connexion with money here has been and is for the distribution of documents. I have my book here to show that I have paid money out for nothing else than for the printing of documents to circulate in the country, and for that purpose I have collected money of members of Congress.

Question. How much money have you collected as treasurer of the congressional executive committee?

Answer. I see by my memorandum book here that I have this session paid out about $4,000 for speeches to be sent among the people.

Question. Was an assessment made by you upon members of Congress?

Answer. I made no assessment, but merely went around and told them that we wanted so much from them. I will state further, that I have been in politics for a great many years, and during that whole time I have never received one dollar to be used for political purposes other than the distribution of documents. For elections and such purposes I never in my life received one dollar from any quarter.

Question. Did you not make an assessment upon members of the last Congress of ten dollars apiece?

Answer. I did not. I never made an assessment.

Question. Did you not collect that amount from them?

Answer. I did from some of them.

Question. From how many of them?

Answer. I cannot tell. For the last five years I have been the treasurer of the executive committee.

Question. Was it not the understanding that these members of Congress should pay ten dollars each?

Answer. I do not know where such an understanding came from, if there was any such. We did say that it would take at least ten dollars apiece from members to send documents to the country. Some paid it, and some did not.

Question. How many paid?

Answer. The most of them.

Question. Was any estimate made this session of the amount necessary to be collected from each member?

Answer. There was a meeting of the executive committee; I was not present; when it was estimated that it would be necessary for me to collect twenty-five dollars each from the members. Some paid it, and some did not. Some of them I have never asked to pay it, and I suppose I never will. But those whom I knew to be able to pay it I would ask to do so.

I wish to say here that, inasmuch as these charges have been going the rounds of the papers, charging me with being the moneyed agent of the republican party, I have requested Governor Winslow to put these questions to me that I might settle this whole matter once for all. I have never received a dollar for the party in any way, manner, or form, except as I have already sta'ed. It would be proper to add that these documents were mostly for democratic districts, as the republican members are expected to attend to their own districts.

APPENDIX.

OFFICE OF THE "CONSTITUTION,"
Washington, D. C., June 11, 1860.

MY DEAR SIR: I understand that it has been testified before the committee of which you are a member and Mr. John Covode is chairman that I made speeches during the canvass of 1858 in the ninth congressional district of New York against the election of Mr. John B. Haskin, the present representative of that district, and that I was instigated or employed to do so by my friend Mr. Butterworth, the superintendent of the assay office.

It is quite true that I made several speeches in Westchester county, New York, in October, 1858, against the election of Mr. Haskin; but it is utterly untrue that I was instigated or employed to do so by Mr. Butterworth, or by any other individual.

I was invited by the democratic central committee of the State of New York to address the democracy of the State at such points as I might select, and received a letter from Mr. Cagger, the secretary of the committee, conveying the invitation, which I take leave to enclose herein.

I accepted the invitation, and selected to speak in the ninth congressional district in favor of the election of Hon. Gouverneur Kemble, the regular nominee of the democratic party of that district, and against Mr. Haskin. *I accepted no compensation.*

Be kind enough to set this matter right, and believe me to be

Yours, very truly,

WM. M. BROWNE.

Hon. WARREN WINSLOW, M. C.,
House of Representatives:

ALBANY, *October* 18, 1858.

DEAR SIR: I am directed by the democratic State central committee to invite you to address the democracy of the State at such points and places as you yourself may designate and select; and the committee will be happy to defray all the expenses to which you may be subjected.

Our friends in every section of the State seem to have great confidence in their ability to do far better than last year.

Yours, truly,

P. CAGGER.

WM. M. BROWNE, Esq.

TREASURY DEPARTMENT, *June* 13, 1860.

SIR: The following names appear on the pay-rolls at the appraiser's stores, New York, for the week ending November 6, 1858, the time served, and the amount paid to each one, as appears by their re-

ceipts, viz: James O'Reilly, John Ready, Jno. C. Ellrod, Adam Weyman, William Long, Christopher Connolly, John Fleming, Matthew Ming, Matthew Bradley, James Young, Jno. Immer, Charles Heymen, Jacob Hoffman, Jacob Kintzer, and Henry Auger, each one day, and each two dollars, ($2;) and Thomas Burk three and one-half days, at $2 per day, $7; Burtus Shaff, James Reilly, and James Owens, each two days, at $2 per day, $4 each. Of these, the four last-named persons appear to have been appointed permanently, as their names appear on the subsequent pay-rolls as laborers; also, the name of Matthew Bradley.

Inasmuch as it is stated on the pay-roll that the above-named persons were appointed in place of others suspended, I have examined the roll, and find that the following-named laborers on the permanent roll were absent from duty during that week the number of days attached to each name, and their pay reduced to that extent, viz: Gilbert P. Sherwood, two days, $5; John Driscoll, one day, $2 08; Hugh Fitzpatrick, two and a half days, $5 21; Daniel Burns, five days, $10 42; John Roach, two and a half days, $5 21; Daniel Donnavon, one day, $2 08; David Dopson, three days, $6 25; John Reilly, four days, $8 33; Patrick O'Brian, one day, $2 08; William Roach, two days, $4 17; Thos. O'Brian, one day, $2 08; Jno. Feeny, two and a half days, $5 21; James McIntyre, one-half day, $1 04; James Masterson, three days, $6; Patrick Cleeson, three days, $6; John Collins, one-half day, $1; James Smith, two and a half days, $5; Thomas Kearnan, three days, $6; John Cunningham, two and a half days $5; Wm. Cook, three days, $6; Jno. Kelly, one day, $2; Thomas Plunkett, three days $6; Peter McMahon, three days, $6; Daniel Marva, one day, $2; Geo. L. Nodene, one day, $2; Geo. Kavannagh, one day, $2; Rich'd Higgins, two and a half days, $5; Patrick Banner, one day, $2; Enoch Smith, three days $6; Rob't Fitzgerald, one day, $2; Nicholas Metz, two and a half days, $5; Edw'd Burk, two and a half days, $5; and Patrick Casseday, one day, $2 08.

It thus appears that thirty-three regular laborers lost sixty-nine days during the week, and that $141 24 was deducted from their wages, while nineteen persons were employed in their places, and paid for twenty-four and a half days work the aggregate sum of $49; making a saving to the government of $92 24.

I do not know precisely what Messrs. O'Reilly and others testified to, but it is very clear that if they received more money than they have receipted for on the pay-rolls, it must have been paid by the collector of customs out of his own pocket, for he has received no credit at the department, and could not receive any such credit without furnishing vouchers for the payments.

The pay-roll, which is herewith submitted to your examination, shows no other charges of payments to the persons referred to than those I have given.

Very respectfully, your obedient servant,

J. B. GUTHRIE,
Special Agent Treasury Department.

Hon. JOHN COVODE,
Chairman, &c., Select Committee House of Representatives.

POST OFFICE DEPARTMENT, ETC.

No. 56.

FRIDAY, *May* 11, 1860.

THOMAS P. WATSON called and examined.

By the CHAIRMAN.

Question. Where do you reside?

Answer. My legal residence is Bay City, Michigan. I am now living in Georgetown, D. C.

Question. Were you deputy postmaster at Detroit at one time?

Answer. I resigned a clerkship here in the Pension office and accepted the office of deputy postmaster on the 1st of July, 1857.

Question. Who was the local mail agent?

Answer. Harry Scovel was the local agent at Detroit at the time I entered upon the duties of my office, and continued to be such up to the time I resigned, which was the 31st of March, 1859.

Question. What is Mr. Scovel's business?

Answer. He is the "Items" man of the Free Press—a sort of local editor.

Question. When was he appointed mail agent?

Answer. He was appointed a month or so previous to my appointment.

Question. Do you know what pay he got?

Answer. I paid him his salary, one hundred dollars a month.

Question. Did he, during the time you were in the post office, attend personally to the mails?

Answer. Sometimes, when I would address him a note about some irregularity, he would give his personal attention; but an individual who was employed by the railroads to deliver the mail bags usually attended to his business. This same man was employed by Mr. Scovel to attend to his business also.

Question. He got something from Scovel for doing it?

Answer. I think I understood him to say that he got three or four hundred dollars to attend to that business. I did not pay him.

Question. Did you or the postmaster ever notify him that he must attend to the duties of his office personally?

Answer. I addressed him a note once about some neglect of duty, which he attempted to explain by saying that it was not his business particularly. It was with reference to one of the mail bags going

wrong—going to Chicago. I conceived it to be his duty, and do still, that he should attend to the separation of the bags at the depot?

Question. How many times, during the time you were assistant postmaster, do you think Scovel attended to the business?

Answer. Well, sir, I do not exactly know what the department defines to be his duties. If his duty was to accompany the mails to the post office, he came very seldom; but if it was simply to attend to the separation of the mails at the depot, stating which belongs to Detroit and which does not, I could not tell as to that, because it was not my business to be down at the depot.

Question. Being engaged in the post office, did you not know that the law required him to attend to it personally?

Answer. So far as my knowledge on the subject is concerned, I conceived it to be his duty to accompany the mails to the post office, and especially the transient mails going on the different boats, because he admitted the charge when they were brought, and paid the drayman for bringing them from casual steamers coming in from the lakes. He would allow that to be deducted out of his pay, and from that circumstance I presumed it to be his business to see them delivered at the post office.

Question. Was this man whom Scovel had to attend to this service competent to do it; that is, could he read the name of the post office on the direction on a bag, or anything of that kind?

Answer. I do not know positively whether he could read; I cannot remember now whether I tested him or not. It is my impression that he admitted that he could not read. Either he could not read or he could not write, and I am not certain which.

Question. Was there not a great deal of complaint in Detroit about Scovel's putting a man in this position who was totally unfit for it, and the public service suffering in consequence?

Answer. I could not say that there was. If what you mean is, whether the office was looked upon as a sinecure by the people, I would say, yes; but as to complaints, the people know very little about what individual brings the mails, so long as they get their letters and papers.

Question. Have you not sufficient reasons for believing that this appointment was made for the benefit of that newspaper?

Answer. All that I know about it is, that the editor of the paper came to Washington prior to the appointment. Upon what grounds he got the appointment for Mr. Scovel I know not. Others were contemplated for that office, and expected to obtain it; but the editor returned with the appointment for Scovel, who was "Items" man for the Press. That was previous to the getting up of another paper there.

DETROIT MATTERS.

No. 43.

WEDNESDAY, *May* 2, 1860.

SHELDON McKNIGHT called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Detroit, Michigan.

Question. Are you familiar with the management of the post office at that place?

Answer. Yes, sir; I have been very intimate there for a number of years, and was postmaster there for a long time, from 1836 to 1842. Since then I have been engaged in the transportation of the mails from Detroit to Lake Superior by a line of steamboats.

Question. Do you know anything about persons being paid for services in the post office there that were not rendered by them?

Answer. I was one of the parties who, a year ago, endeavored to influence the President to remove Mr. O'Flynn; and knowing all the clerks there, and not being very friendly to Mr. O'Flynn's appointment, in the first place, considering myself a democrat of the first water, as I was opposed to Mr. O'Flynn's appointment, I took advantage, of course, of what I could discover to endeavor to get him removed.

Question. Go on and state what you know about the management of the post office there.

Answer. I could not very well go on and make any statement unless you asked me about some particular point.

Question. Do you know anything about persons being paid for services in the post office at Detroit which were not rendered by them?

Answer. I read the affidavits of the clerks of the office—

By Mr. WINSLOW:

Question. Are the affidavits in writing?

Answer. I suppose they are.

Mr. WINSLOW. We cannot take parol evidence of documents that speak for themselves.

By the CHAIRMAN:

Question. Do you know where those affidavits now are?

Answer. I presume the President has them; or, if not, the Postmaster General has them. They were submitted to Postmaster General Brown in the first place. After he died, the President refused for a long time to remove Mr. O'Flynn, saying that he was a personal friend of his, and he had appointed him upon his own responsibility. When Mr. Holt came in, the opposition to Mr. O'Flynn was renewed, and Mr. Holt took up the case and decided very promptly that he should be removed, as Mr. Brown had before decided. I will state here that when the President said he would not remove him, he said

he would not do so unless the charges were fully substantiated; and he sent Mr. O'Flynn back to Detroit for six weeks longer, to give him an opportunity to disprove the charges. But it seems that he could not do so, and in the end he was removed. There were several interviews with the President about the matter; I had one interview with the President myself.

Mr. WINSLOW. I must reiterate my utter abhorrence of inquiring into the private conversations with the President of the United States.

The WITNESS. This is not private conversation that I refer to.

Mr. WINSLOW. I am not complaining of you at all; the question was asked you.

The WITNESS. The question asked me was if I knew of any persons who were paid there who rendered no service.

By the CHAIRMAN:

Question. Do you know of any?

Answer. I never saw Mr. O'Flynn's daughter in the office, nor Dr. Alvord in the office at work.

Question. Do you know that Dr. Alvord got a salary from the office as clerk?

Answer. I never saw it paid to him; I only saw the affidavits and vouchers on file.

Mr. WINSLOW. They will show for themselves.

By the CHAIRMAN:

Question. Do you know that Dr. Alvord was not engaged in the office as clerk?

Answer. Yes, sir; he was engaged in other occupations.

Question. What other occupation?

Answer. Editing a newspaper.

Question. What newspaper?

Answer. The "Detroit Democrat," or some such name as that. I have forgotten the exact name, for we never noticed the paper much.

Question. There are several papers there, the "Detroit Herald" among others.

Answer. I do not know but what that was the name of it. The sheet used to make its appearance once a week or ten days, as occasion required.

Question. Do you know whether the present postmaster is paying a salary to the editor of the paper?

Answer. I do not know that he is.

Question. Do you know, of your own knowledge, that Mr. O'Flynn paid the editor of that paper a salary?

Answer. Not of my own knowledge. I never saw it paid; I only know what was the general report.

Question. Do you know that neither of the parties you named rendered any service in the post office?

Answer. They might have gone in there some evening, perhaps. I know that, as a general thing, I was about the office every day getting my mails to put on the boat. I was intimately acquainted

with the clerks, many of whom had been there a long time, and I did not see these persons there at work in the office.

Question. Do you know of any other person connected with the newspaper, besides the editor himself, who received pay for services not rendered?

Answer. No, sir.

No. 44.

WEDNESDAY, *May* 2, 1860.

HENRY J. ALVORD called and sworn.

By the CHAIRMAN:

Question. Where do you reside?

Answer. I reside in Detroit, Michigan.

Question. What is your occupation?

Answer. Well, sir, I am an editor at present, or have been until recently; I am rather out of that business now.

Question. Is your name in the Blue Book as a clerk in the post office at Detroit?

Answer. I do not know, sir; I have never seen it.

Question. Have you been a clerk in that post office?

Answer. I have.

Question. For what length of time?

Answer. It was less than a year; I do not know as I can tell exactly what time.

Question. What service did you render?

Answer. I had charge of the department of copying the registered letter bills; the "D. P. O. registered letter bills."

Question. Did you attend to that business at the same time that you were conducting your newspaper?

Answer. I have not yet been asked if I was conducting a newspaper there then. However, I was conducting a newspaper, and I attended to that business a part of the time, and a part only, while I was conducting the paper.

Question. How much of your time do you suppose you were employed in the post office?

Answer. Well, it is rather difficult to tell how much of my time I was employed. Perhaps, well, I performed some other duties occasionally besides that; I was sometimes called upon for other services.

Question. What services?

Answer. Well, various services in the post office.

Question. Please describe what the services were.

Answer. Well, I had occasionally some little financial business to do for the office.

Question. What was the nature of that financial business?

Answer. Well, the post office received large amounts of paper money that was sent in from country offices. The country offices de-

posited there, and they would send in paper money; they had been in the habit of doing so for many years, and that practice was continued, and that paper money had to be exchanged for currency; and sometimes silver had to be changed for gold, in order to meet government drafts. I had some services of that kind to perform.

Question. How much service of that kind do you suppose you rendered for the government?

Answer. I cannot tell; it was not a great deal.

Question. Was it done very frequently?

Answer. Not often; no, sir.

Question. How many times altogether, do you suppose you went out to change money; a dozen times?

Answer. Well, I do not know; I might or I might not have done so; I cannot tell.

Question. Do you suppose that you went out five times on that service?

Answer. Well, sir, I could not tell.

Question. Did you go out more than once?

Answer. O! yes, I think I did; there was not a great deal of service of that kind rendered; not a great deal.

Question. What compensation did you get?

Answer. All I had was $500 a year.

Question. I asked you what portion of your time you were employed in the post office; you have not stated that yet. What would it amount to each day?

Answer. Well, I presume that the duties of that department could be performed—I presume I did perform them in, well, probably, an hour of each day.

Question. Were you at the post office every day attending to it?

Answer. I was at the office room every day; some days I would not work, and some days I would work all day. It was necessary to have these all brought up every month during the month.

Question. Was that service rendered at night, or during business hours?

Answer. Well, I think my service was all rendered during business hours. I do not know but what I might have done a little occasionally at other times; the work I did was work that I did out of the office; I wish that understood; I took it home with me to my boarding place; it has been the custom in that office to take that work home; and other similar work was taken out of the office also.

Question. Was there any other service that you rendered to the government in connexion with the post office?

Answer. Well, sir; I was often called upon by the son of the postmaster, when he was called out, to remain in his room while he was absent.

Question. To fill his place?

Answer. It was necessary for some one to remain there while he was absent, as people were constantly coming in; I was often called upon to do that—perhaps for half an hour.

Question. That was in the post office?

Answer. Yes, sir.

Question. Then you had no particular duties of your own to perform in the post office?

Answer. The duties that I had to perform I was at liberty to perform in the post office or at my room; but everything which I copied had to go through the letter-press, and that of course was done in the office.

Question. How came you to be appointed in that office? Was it not because you were editor of that paper?

Answer. I do not know that it was; I could not say that it was.

Question. Have you any idea that you would have got that salary for the little service you rendered, if it had not been for your connexion with that paper?

Answer. I think probably I might.

Question. Do you know of any other persons getting pay in that office who rendered little or no service?

Answer. I do not.

Question. How about the daughter of the postmaster; was she not paid as a clerk?

Answer. I believe she was.

Question. Was she on duty in the office?

Answer. She was not on duty in the office; her work was taken home to her father's house; it was similar service to that which I performed.

Question. How much service do you suppose that you rendered the government in the course of a year; how much of your time would be taken up altogether? You say that some days you would be in awhile.

Answer. I think there was not a day during the time I was in office—unless I might occasionally have been out of town for a day or two, which sometimes happened, though not often—there was not a day I was not in the office.

Question. Do you mean that you were in the office to render any service; or did you go there to get your mails?

Answer. I was there to render service if called upon; but I would be there probably three or four times a day.

Question. And you were only called upon to render service in the office to fill the place of the postmaster's son?

Answer. When he happened to be absent; when he wanted to go out, he requested me to remain in the room while he was gone.

By Mr. WINSLOW:

Question. Who appointed you to the office?

Answer. The postmaster, Judge O'Flynn.

Question. And your salary, you say, was $500 a year.

Answer. Yes, sir.

By the CHAIRMAN:

Question. Have you rendered any service under the present postmaster there?

Answer. I have not.

By Mr. WINSLOW:

Question. Do I understand you to say that you performed all the duties required of you while you held the office of clerk there?

Answer. I did.

By the CHAIRMAN:

Question. Was it expected when you got the appointment that you were to render services in the office, or did you get it because you were editor of that newspaper?

Answer. It was expected that I would render that service.

By Mr. WINSLOW:

Question. Was there any understanding that you were to have a sinecure—be paid a salary without rendering any services?

Answer. No, sir.

Question. No agreement of that kind at all?

Answer. No, sir.

Question. No conversation to that effect?

Answer. No, sir; I had been editor of that paper several months, probably six months, before I received that appointment.

By Mr. ROBINSON:

Question. Do you think that on an average you were engaged one hour out of each twenty-four for the government?

Answer. Yes, sir.

Question. How much more than that?

Answer. I cannot tell.

Question. Well, give as your opinion.

Answer. I was requested by the postmaster to report myself to the office as much I could, and I was there as much as I could be.

Question. But you did no service in the office?

Answer. I did it at home, the principal part of it.

By Mr. TRAIN:

Question. You took care of your newspaper, and did whatever service at the office was asked?

Answer. I had plenty of leisure time after attending to my paper; that service did not interfere with my editorial duties at all.

Question. Was it a daily paper?

Answer. No, sir.

By Mr. ROBINSON:

Question. Was it a weekly paper?

Answer. Yes, sir.

By the CHAIRMAN:

Question. Was there any other person who rendered little or no service in the office and received pay besides yourself and the daughter of the postmaster?

Answer. Yes, sir; there was a man by the name of J. Nicholson Elbert, who had similar duties, which he performed in his own office.

Question. What pay did he get?

Answer. I do not know what pay he received.

By Mr. WINSLOW:

Question. When Mr. Covode asked you the question about service, he used the expression "in the office." Did you understand by that, duties connected with the office or duties performed inside of the building itself?

Answer. My writing was not absolutely performed in the building but was taken to my room.

By the CHAIRMAN:

Question. What is Mr. Elbert engaged in in Detroit?

Answer. I think that is pretty much all the business he has had to do; he has done something, I believe, as an insurance agent, but, I think, not much; he was dependent upon his salary as clerk for his support. Mr. Elbert had a great deal of service to perform, as I happened to know, and he earned his money and I earned mine.

By Mr. OLIN:

Question. You say that you earned your money?

Answer. Why, I suppose I did.

Question. And yet you cannot tell an hour's work that you did for it?

Answer. Cannot tell an hour's work?

Question. No; cannot tell what you have been doing.

Answer. I have told you of an hour's work, and of a great many hours' work.

Question. I certainly failed to hear it, then. Just describe what you did.

Answer. I told you that my business was to copy.

Question. O! your business was to copy. Did you copy anything?

Answer. I did.

Question. What did you copy?

Answer. All of the "D. P. O. registered letter bills" received at that office.

Question. What was done with those copies; were they sent here to the general office?

Answer. I suppose so; I do not know anything about it.

Question. And all you did copy would be in your handwriting, I suppose?

Answer. I presume so, sir.

Question. How much time did you spend altogether in copying these bills?

Answer. I cannot tell.

Question. Did you spend a week during the year while you were there—one week in writing?

Answer. I should think I did.

Question. At the rate of seven or eight hours per day.

Answer. A year, at the rate of seven or eight hours a day?

Question. One week at that rate; I do not mean ten or fifteen minutes a day for a week. But do you say that you did one week's work in copying the returns you speak of?

Answer. During the year?

Question. Yes, sir; during the year.

Answer. I think I spent a great deal more time upon it. But I do not know how much a man can do in a week with the work before him.

Question. The question is, did you occupy a week's time, allowing the ordinary hours of labor per day?

Answer. I should think I did.

Question. Are you positive about it?

Answer. I cannot be positive; but I should say I did more than that. But still I will not swear how much time I did occupy.

Question. Did you do anything else?

Answer. No other copying.

Question. Did you do anything else?

Answer. Nothing more than what I have told you.

Question. Well, repeat what else you did; there seems to be some misunderstanding.

Answer. I was frequently in the office, and was called upon by the son of the postmaster, who was his assistant, to remain in his room. His room was a front room by the side of the delivery office. There were two front rooms. The office is in a building built for a church, and the upper part of it occupied by the Mariners' Episcopal Church. The basement is used for the post office. It is divided by a partition running through nearly the whole length of the building. The postmaster's room is the front room, and on the corner is the general delivery office. The postmaster is receiving calls every few minutes during the day, of course. It is a large office, and there is a great deal of business done. And it was necessary that that office should be kept open. Sometimes Mr. O'Flynn, the young man who was generally there, would be called out, and it would be necessary for some one to remain in his place. And I spent a great deal of time in the postmaster's room, as much of my time there as I could. I suppose I averaged, during all the time I was employed in the office, two hours a day certain there in the postmaster's room.

By the CHAIRMAN:

Question. That was serving the son of the postmaster, and not the government.

Answer. It was serving the Post Office Department, I suppose, as I was a clerk of the post office.

By Mr. OLIN:

Question. Do you think of any other service that you performed?

Answer. No, sir.

THURSDAY, *May* 3, 1860.

HENRY J. ALVORD recalled.

By the CHAIRMAN:

Question. Have you any knowledge of receipts being signed in blank and being filled up for a larger amount than what was paid at the Detroit post office?

Answer. Only in one instance.

Question. In what case was that?

Answer. It was in my own case. I was about to remark yesterday, at one time during my examination, that there was a little error in the account in the Blue Book. I think that all of the vouchers that I signed there were signed in blank, and excepting the voucher for the quarter ending the 31st of March, 1859, and for a fractional quarter at the time of the change in the office, ending the 10th of May, 1859, were filled up correctly. These I have seen since I have been here, and they seem to have been filled up for a larger amount than I have received. I do not recollect exactly how much they are filled up for, but for a larger amount, at any rate, than $500 a year.

Question. Do you know by whom that was done? In whose handwriting is it?

Answer. That I could not tell without looking at the vouchers.

Question. Whose business is it to fill up these blanks?

Answer. That of the deputy postmaster usually. My vouchers were all correct except those two; those two are wrong. After discovering that fact I wrote to Judge O'Flynn in reference to it some time early in the winter.

Question. Do you know anything about a porter in the establishment having been paid a much less sum than his vouchers were filled up with?

Answer. Not from my own knowledge.

Question. Did you ever hear it from the porter himself?

Answer. I do not know that I ever did hear it from him.

Question. What do you know about the local mail agency there?

Answer. There was a local mail agent there.

Question. What do you know about the administration of his affairs? Just state what you know about it.

Answer. The local mail agent there is a man of the name of Scovel—Harry M. Scovel; his name was Henry or Harry; they called him Harry, at any rate, and my impression is that his name was Harry; and he has been the local mail agent there, I should think, for the last three years. He was appointed soon after the commencement of this administration, at any rate. He is the assistant editor of the Detroit daily "Free Press."

Question. What salary does he get?

Answer. He gets a salary of $1,200 a year.

Question. What service did Mr. Scovel render?

Answer. Well, the general impression there has been that he did not render a great deal of service. During the time I was in the office I do not think I saw him half a dozen times attending to his business. The service required of him is to see to the receiving and the departure of the mails; see that they are taken from the office and placed upon the cars and steamboats, and also see that they are brought from the cars and steamboats to the post office. The common report in Detroit is that he has hired a man, I think by the name of Walker, to attend to it for him, for which he pays him $300 a year. This Walker is a man, I am told, who is employed by the railroad companies to transport the mails to and from the post office and rail-

road depots. It is said about the post office there that Scovel paid Walker some $300 for looking after this matter, as a sort of deputy, which I suppose is correct.

Question. Is this Scovel still receiving pay?

Answer. I suppose he is; he was when I left home in December. I have heard of no change there.

Question. Are you aware of any conditions in connexion with his being continued in that place?

Answer. I am not, from my own personal knowledge. There has been a great deal said about it in Detroit. It has been a subject of a great deal of conversation and remark. But from personal knowledge I do not know anything about it.

Question. Do you know how long he has been in that position?

Answer. My impression is that he was appointed in March, after the inauguration of Mr. Buchanan—in March or April; in March, I think, shortly after the inauguration of Mr. Buchanan.

Question. You were there a great deal about the office, of course. Do you know of his ever rendering any service himself to the government?

Answer. Well, about two years ago, I should think, from the present time, there was some talk of his being removed. There were threats made that there would be an effort made to have him removed, because he did not attend to his duties. It was the subject of complaint on the part of the postmaster. He said that Scovel did not attend to his duties, and had not attended to them during the time he had been postmaster.

Question. What postmaster was that?

Answer. Mr. O'Flynn. And I heard Mr. O'Flynn himself say that he should recommend his removal; and I do not know but what Judge O'Flynn told me that he should recommend his removal, unless he attended to the duties of his office. At any rate, Mr. O'Flynn told me that he should notify Scovel that he must attend to his business personally, as he is required by law to do. It was expected that he would do it personally himself. Mr. Stuart got him appointed, and I had a conversation with Mr. Stuart about it afterwards.

Question. Do you mean Senator Stuart?

Answer. Yes, sir; Mr. Stuart said he was determined that whoever had that place should give it his personal attention, though it had been done by proxy for some years before, and perhaps had nearly always been so done; and it was understood that Scovel received the appointment with the express understanding that he would give it his personal attention, as the regulations of the department required. And about this time two years ago I saw Scovel about the office a few times. He seemed to have become suddenly inspired with a disposition to attend to his duties personally; and perhaps I saw him on the mail wagon half a dozen times, I should think. I do not think I ever saw him do that more than that many times during the whole time of the three years. The legitimate duty of the mail agent is to go on the mail wagon with the mails and see them deposited on the boats or cars, or delivered from the boats and cars to the post office.

By Mr. ROBINSON:

Question. It is his duty to see personally to the safety of the mails as they pass to and from the post office and the boats and cars?

Answer. Yes, sir; they are in his charge. I do not think I ever saw him leave the office on a mail wagon half a dozen times in my life.

By the CHAIRMAN:

Question. Is there any probability that that would have been tolerated only in consideration of his services as an editor?

Answer. I do not know, sir.

Mr. ROBINSON. That would be merely an opinion, if the witness could answer the question.

The WITNESS. Yes, sir; and you can draw your own conclusions.

By the CHAIRMAN:

Question. Do you know of any other person receiving a salary without rendering services?

Answer. Connected with the post office?

Question. Yes, sir.

Answer. As I remarked yesterday, I do not. One charge against Mr. O'Flynn—and it is due to him and to yourselves, and to the department, that I should state it here—was, that he had a clerk on his pay-roll of the name of Moore. Several witnesses swore that they knew no such man in Detroit; but that was an error, for on looking at the pay-roll here at the department they afterwards discovered that the name was not Moore, but Moran. Now, there was a person of that name, and I understood that he was a clerk in the post office. I did not know Moran myself, but I know his father very well; the young man I do not know, and do not know whether he was a clerk or not. I merely speak of this because testimony of that kind may, perhaps, come before you; and it is due to Judge O'Flynn not to have injustice done him unnecessarily at any rate; and it is due to the committee, too.

Question. Are you not aware of some other person receiving a salary of $1,200 a year for certain considerations independent of his services?

Answer. In that post office?

Question. Yes, sir.

Answer. No, sir; I am not.

Question. Do you know anything about salaries paid in the custom-house at Detroit for services not rendered?

Answer. I know nothing from personal knowledge. All I know is from hearsay. (After a pause.) Well, yes; the information that I received from the party himself.

Question. That is competent testimony.

Answer. Yes, sir; there was an employé around the custom-house during the last administration, and probably for some time during this administration. My impression is, that he was there until within a year or so, receiving, I think, $1,200 a year.

Question. What was the name of the party to which you refer?

Answer. His name is Benjamin F. Hyde.

Question. Can you tell for what services, or for what considerations, he received that salary?

Answer. He had the appointment of weigher and gauger.

Question. Did he render any services in that capacity?

Answer. There is not a great deal of service in that custom-house, I believe, to be rendered in that capacity. It was a common remark there among our citizens that the most laborious duty required of the weigher and gauger was to go up to get his pay.

Question. What conditions were required of him, in consideration of his being continued in that sinecure or office? What services did he render or was he to render for that $1,200 a year?

Answer. I suppose all that was required of him was, to do whatever duties in that line that were required of him.

By Mr. TRAIN:

Question. Was he to do anything for the party or the administration anywhere?

Answer. I cannot answer that question; I do not know; that would be a matter of opinion only.

By the CHAIRMAN:

Question. Did he not tell you himself what use he had to make of the money he received?

Answer. No, sir; I think he never told me.

Question. Did you not know, without being told by him, what use he had to make of that money?

Answer. No, sir; I could not say that I did.

Question. Is there anything else that it is important for this committee to know in connexion with that, that you could either give the information yourself directly, or give us the names of parties who can give it?

Answer. Well, Mr. Covode, I hardly think that is exactly a proper question to ask me.

Question. It has always been so held and ruled on investigating committees on which I have served before. It is always proper to make the inquiry of a witness as to his knowledge directly or indirectly.

Answer. As to persons who could prove things?

Question. Yes, sir; any knowledge he has of persons who do know.

Answer. I would rather you would not insist upon that question just now.

Question. Probably I can put the question in some other way that would be less objectionable to you. It is important that the commitee should be put in possession of all the information you have upon the subject.

Answer. Will you state the question again?

Question. I was going to put it in another form.

Answer. Very well.

Question. Have you not been told by the parties themselves in some

instances that they have been continued in their places and received their salaries in consideration of their making a particular use of them, or portions of them?

Answer. I think not.

Question. Have you stated all the information you have on the subject of the management of the post office and custom-house at Detroit that it is proper for this committee to know?

Answer. I think that I have stated all the knowledge I have in regard to it of my personal knowledge. I do not think of any more now.

Question. Do you not know of some more important, say, outrages on the public revenue that have been perpetrated at Detroit than you have stated?

Answer. There were certain outrages by the late collector of customs there, for which he was removed. It was supposed that he had made a little more free with Uncle Sam's perquisites than it was proper for him to do.

By Mr. ROBINSON:

Question. He has been removed, you say?

Answer. Yes, sir.

Question. When was he removed?

Answer. He was removed some time in the summer, I think.

Question. Last summer?

Answer. I think so; either last summer or last fall. Probably it was in the fall; I think now it was.

By the CHAIRMAN:

Question. Was not the man who received pay for being a porter in the post office engaged in one of the printing offices there?

Answer. He was.

By Mr. TRAIN:

Question. In what capacity?

Answer. As a compositor and foreman of the office.

By the CHAIRMAN:

Question. Is it not the custom at Detroit to pay for services in the printing offices principally by government offices?

Answer. Well, I do not know how far that custom extends. I would like to look in the Blue Book for a moment about one thing I think of just now. (After examining the Blue Book.) The name of the former collector and his employés appear in this Blue Book.

By Mr. TRAIN:

Question. Who is the present collector?

Answer. His name is Robert W. Davis.

[After the witness left the room—

The CHAIRMAN stated that the reason why he asked the witness concerning other abuses than those he had specified, and the names of persons who knew about them, was, that the witness had told him that the committee was on the wrong scent; that there were things more important, and he wanted to see if he would tell.]

No. 49.

TUESDAY, *May* 8, 1860.

CHARLES E. STUART called and sworn.

By Mr. OLIN:

Question. Do you reside in Michigan?
Answer. Yes, sir.
Question. You were formerly senator in Congress from that State?
Answer. Yes, sir.
Question. When did your term of office expire?
Answer. With the last Congress.
Question. Do you know a man of the name of H. M. Scovel, of Detroit?
Answer. I know a Dr. Scovel, but what his christian name is I do not know, and I know him but very slightly; he is the only man of that name that I know; I think there is a son of his there, but I do not know him.
Question. Does this Mr. Scovel hold an office under the government?
Answer. I know nothing of that at all.
Question. Is this Mr. Scovel you speak of connected with the Detroit Free Press?
Answer. Well, sir, that I do not know.
Question. As I understand it, it is the young man perhaps we desire to inquire about. Do you recollect of recommending this young Scovel to an appointment in the local mail agency?
Answer. No, sir; I do not.
Question. Who was the proprietor of the Free Press during the latter portion of your term in the Senate?
Answer. Well, it is understood to belong to Wilbur F. Story.
Question. Did not Story apply to you to obtain the appointment of this young Scovel to the local mail agency there, by reason of his connexion with the Free Press, in order to relieve that establishment of the salary they were paying him?
Answer. I cannot say that he did, and I would not now say that he did not; but I do not recollect that he made such an application to me.
Question. Your recollection is not distinct upon the subject?
Answer. It is not so distinct as to enable me to say positively that he never did any such thing, and you will understand the reason very obviously, from the fact that the number of offices and the recommendations to those offices were very numerous; the applications were infinitely numerous; I have had thousands of applications that I rejected.
Question. Do you recollect meeting Story on your return home from Washington in 1857?
Answer. Meeting him where?
Question. At Detroit. While on your return from Washington in 1857, did you not meet Story at Detroit, and consult with him in relation to this appointment?

Answer. I do not recollect of it.

Question. I will endeavor to refresh your memory as far as practicable. This is the point of the inquiry that we wish to ascertain from you: whether this young Scovel, in connexion with the Free Press, was through your instrumentality appointed to a local office there, the duties of which were merely nominal, and appointed in consideration of his being connected with that press and receiving a salary from the proprietor of it, who would be relieved from that incumbrance if young Scovel held some office that would pay; whether Mr. Story did not make personal application to you for that, and place it upon that ground; whether you did not recommend his appointment; and whether in fact he was not so appointed? Any recollections which you have upon that subject we would be pleased to have you state.

Answer. I have no objection to stating to you or to anybody else my action in any such matter; none in the world. And, perhaps, had I had notice of the inquiry, I might have referred to something that would have refreshed my recollection, though I hardly think I could have done so. I will give you my impressions now. They are that, I had nothing to do with recommending Mr. Scovel to that place, if he ever had it. There were many applications for that place, and among them the prominent applicant—that is, prominent in the numbers who requested it through him—was a man that I absolutely refused to recommend for any place; and my impression is that I went home without making any recommendation. I speak now of the time when this administration came into power. My impression is that I went home without making any recommendation for the place at all. And at Detroit this man who was so prominent came to me and wanted to know why I would not recommend him, and I told him that he was such a man that I would not recommend him for any place. I mention this only in the way of history of this matter, not that I have any feeling in this matter at all; not a bit. For the only feeling I ever had in recommending men for office was to recommend those who were in all respects competent, morally and otherwise. And I confess to you that these things being equal, I was disposed to recommend those whose democracy was sound and who were disposed to do something for the cause. I think, however, that for this office I made no recommendation whatever, and subsequently the appointment was made to that office without my recommendation. Now, I may be mistaken in that; but if I made any recommendation it is on file in the proper department—in the Post Office Department The duties of that office are important, very important; and they are such as to require, in my opinion, an excellent man to fill it.

Question. What do those duties generally consist of?

Answer. Well, sir, he has the charge of all the mails that come to Detroit, to take them to and from the post office and railroad depots and steamboats—all the important mails of the whole country that are taken to that post office and distributed or otherwise rearranged at the office. It therefore has always been in my estimation a place demanding both capacity and integrity. I give you what are my impressions at this time, and yet there is a possibility that I might have recommended somebody to that place. This man of whom you

speak, this Scovel, who was reported to have had a connexion with the office, I do not know at all.

By the CHAIRMAN:

Question. Did you ever learn that the person holding the office did not render the service himself?

Mr. WINSLOW. I object to any hearsay testimony about the matter.

The WITNESS. I can answer that distinctly; that I know nothing about it at all, the one way or the other.

The following was received from the Postmaster General in response to the call of the committee of May 22, 1860:

POST OFFICE DEPARTMENT,
Washington, May 28, 1860.

SIR: I transmit herewith, agreeably to the request made in your letter of the 22d instant, copies of the correspondence with William C. Barney, referred to in his testimony before your committee, a copy of which you have forwarded to the department.

With respect to the temporary mail service engaged by this department between the Atlantic and Pacific States, by way of the Isthmus of Panama, which is the subject of Mr. Barney's testimony before your committee, it is proper, perhaps, that I should submit for your information some observations by way of explanation of the action taken by the department in the premises.

It is important to observe that this service was not let under a regular advertisement, as in the case of ordinary mail contracts, but under the authority conferred by the proviso in the twenty-third section of the act of July 2, 1836, which authorizes the making of *temporary* contracts by the Postmaster General without advertisement.

The previous contracts for the Atlantic and Pacific mail service, both "*via* Panama" and "*via* Tehuantepec," were to expire by express limitation on the 30th of September, 1859. Congress had failed to legislate for the continuance of the service on either route beyond that date, and in view of the vast and important interests involved, both commercial and social, it devolved on this department, as a matter of absolute necessity, to make temporary arrangements to continue the semi-monthly mail service between New York and San Francisco, and New Orleans and San Francisco, until legislative action could be had on the subject. Acting under this pressing necessity, I addressed letters of inquiry to the old contractors, as well as to all other parties known to the department at the time as applicants for mail contracts by either of the Isthmus routes, requesting propositions from each "for transporting the mails of the United States between New York and San Francisco, and between New Orleans and San Francisco, for a period of nine months from the 1st of October, 1859, to the 30th of June, 1860, inclusive." To secure the fullest competition no particular route or routes of transmission were designated, but each of the parties proposing were directed to "state the number of trips per month, the time to be occupied each way, the intermediate points embraced in the route or routes, the amount of com-

pensation, &c. ;" and they were also notified that their proposals "must be accompanied *with a full and satisfactory guarantee* that the party or parties proposing are prepared to perform the designated service, and will, if their proposal is accepted by the Postmaster General, enter into contract with the department, with good and sufficient sureties for the faithful performance of the same during the period named."

It was not obligatory on the Postmaster General to accept the *lowest* proposition, without reference to other considerations, as in the case of ordinary mail proposals duly guarunteed at the regular lettings ; but propositions were invited for the purpose of obtaining full information as to what arrangements could be made for the temporary service designated, it being discretionary with the Postmaster General to make the best arrangement that he could, not only with regard to cost, but also with reference to the character of the service proposed, and the ability of the parties proposing to perform it.

Propositions were received from the following parties, viz :
The Panama Railroad and Pacific Mail Steamship Companies ;
Cornelius Vanderbilt ;
The Louisiana Tehuantepec Company ;
Daniel H Johnson ; and
William C. Barney.

The proposal of Daniel H. Johnson, of New York, for semi-monthly service, "*via* Nicaragua," at the sum of $162,000, was the lowest received, and being guaranteed in due form, it was accepted, after inquiry into the responsibility of the guarantors, on the 9th of May, 1859. A contract in accordance therewith, containing all the usual stipulations for the faithful performance of the service, was signed on the 31st of May by Mr. Johnson, with sureties approved by the postmaster of New York, who had been specially instructed "to see that the sureties offered by Mr. Johnson are persons of undoubted means and responsibility, that the department and the public may have an ample guarantee that the mails will be faithfully carried according to contract."

Notwithstanding the representations made to the department by respectable and responsible parties in New York, at the time the contract was made, of the ability of Johnson to perform the service, the department was wholly unable to obtain, after its execution, any reliable information from him in regard to his arrangements for transporting the mails; and it became very doubtful, in fact almost certain, before the period for commencing the service arrived, that no arrangements whatever had been completed by him for that purpose, either by providing the necessary steamships for the ocean service, or steamboats and land carriages for the service across the Isthmus of Nicaragua. It was apparent, therefore, that unless a conditional arrangement, contingent upon his failure to carry out his contract, was made with some other party known to the department to have at disposal the means for transporting the mails, the first of October would find the government without a carrier upon this the most important of all its domestic routes, and unable to obtain a contractor for the service except upon such exorbitant terms as the respective steamship lines be-

tween New York and San Francisco and the Panama Railroad Company might choose to demand.

To guard against such a contingency it was considered necessary to conclude in advance, if possible, a provisional arrangement with one of the two parties known at the time to have at command the means of transporting the mails. Those parties were Cornelius Vanderbilt and the Panama Railroad and Pacific Mail Steamship Companies, both of whom had proposed for service by the Panama route, and were then running rival lines *via* Panama.

The proposition originally submitted by Mr. Vanderbilt being at a lower sum than that of the Panama Railroad and Pacific Mail Steamship Companies, and for service either *via* Panama or *via* Nicaragua, an offer was made to contract conditionally with him, on the terms of his proposition, contingent on the failure of Johnson to carry out his contract; which offer was accepted by Mr Vanderbilt, and a provisional contract executed by him on the 30th of August, 1859. This department, however, studiously avoided giving any information respecting this contract until a telegraphic despatch, under date of 7th September, appeared in one of the New York papers announcing the fact; and this was some three weeks after Mr. Johnson, as stated in his letter to me of 20th August, had completed all his arrangements for the performance of the service.

The several propositions made by William C. Barney were for service by way of the Isthmus of Nicaragua. They were not considered at the time the provisional arrangement was made with Mr. Vanderbilt for the following obvious reasons:

1. The opening of a new route for the mails across the Isthmus of Nicaragua necessarily involved a very large expenditure of money, and could not be at once effected, even if practicable—a considerable period of time being necessary to complete arrangements to that end.

2. The department had no satisfactory information as to the means or ability of Mr. Barney or his associates to convey the mails in question *by any route*, and particularly *via* Nicaragua, a route generally considered impracticable for mail purposes.

3. The object of the conditional arrangement referred to was to provide *immediate* means for the transportation of the mails from New York, New Orleans, and San Francisco, respectively, on the 5th of October, 1859, in the event of Johnson's failure. Mr. Barney, so far as the department was informed, had no steamships or other necessary means of transportation at command; and it is manifest that no person or company would or could enter into such a provisional contract unless he or they had steamships *at command and in actual service at the time* upon the route in question.

The copies of Mr. Barney's testimony submitted by you are herewith returned.

I am, very respectfully, your obedient servant,

J. HOLT.

Hon. JOHN COVODE,
Chairman Special Committee, House of Reps.

WASHINGTON CITY, D. C.,
Saturday, March 5, 1859.

SIR: I propose to contract with the Post Office Department to transport the mails between New York and Aspinwall, or San Juan del Norte, *via* Havana, with the privilege of a branch from Havana to Minatitlan, twice a month each way, for the period of two years from and after the 30th of September, 1859, receiving as full compensation for said service one-third of the gross postages on the California mails carried, payable quarterly, and to transport the West India mails between New York and Havana during the same period for the gross postages thereof. And I further propose to contract for the transportation of the mails between Panama, San Juan del Sur, Ventosa or Acapulco, and San Francisco, twice a month each way, for the period of two years from and after the 30th of September, 1859, receiving as full compensation therefor two-thirds of the gross postages on the mails carried, payable quarterly, under the provision of the act of June 14, 1858, entitled "An act making appropriations for the transportation of the United States mails by ocean steamers and otherwise during the fiscal year ending June 30, 1859."

I am prepared, upon ten days' notice, to enter into proper sureties to carry out my proposal.

I would respectfully suggest that if the service on the Tehuantepec route be continued from New Orleans upon a proper schedule of departures, there would be a weekly mail from the Atlantic States to California.

I would likewise suggest that it being left to the option of the Postmaster General to send the mails under this proposal, *via* Nicaragua, he would then not be at the mercy of the Panama Railroad Company.

I have the honor to be your obedient servant,

WM. C. BARNEY.

Hon. AARON V. BROWN,
Postmaster General, Washington, D. C.

OFFICE OF NEW YORK AND NEW ORLEANS STEAMSHIP CO.,
No. 1 *Park Place, New York, March* 11, 1859.

SIR: On the 5th instant I sent written proposals to the Postmaster General in regard to the California mail service, in which I stated that upon ten days' notice I would enter into proper bonds. I have to request that any communication you may be pleased to address to me may be sent to this office.

Your obedient servant,

WM. C. BARNEY.

Hon. J. HOLT,
Postmaster General, Washington, D. C.

NEW YORK, *March* 21, 1859.

DEAR SIR: Will you do me the favor to inform me, whether my proposal for the California mail service, by sea and isthmus, under the act of 14th June, 1858, has been considered; or whether it has been, with all other matters of that nature, postponed until the decision of the President with regard to an extra session of Congress, shall be made. I do not desire to urge this matter, but its importance to my associates makes me anxious.

Your obedient servant,

WM. C. BARNEY.

HON. HORATIO KING,
First Assistant Postmaster General, Washington, D. C.

WASHINGTON CITY, D. C.,
Thursday, March 24, 1859.

SIR: I beg leave to make the following modifications of the proposition submitted to your department on the 5th instant, in reference to the ocean mails from New York to Aspinwall or San Juan del Norte, and thence to San Francisco and Astoria.

I propose to carry the United States mails between New York and Aspinwall or San Juan del Norte, *via* Havana, twice a month each way on American steamers, and between Aspinwall or San Juan del Norte, *via* Ventosa, Acapulco, San Francisco, and Astoria, twice a month each way, in like manner, for the gross inland and sea postages on all the United States mails between the above named places, (with the privilege of taking a mail on the same terms from Havana to Minatitlan,) from and after the 30th September, 1859, for the period of two years, under the act of the 14th of June, 1858.

If the Postmaster General desires any modifications, I presume we can agree on them before signing the contract.

It will be seen that this arrangement will secure almost a weekly mail from the Atlantic States, if the service on the Tehuantepec route will be continued upon a proper schedule of departures from New Orleans; for instance, the mails leave New York by steamer on the 1st, arrive at Ventosa on the 16th. The mails leave New York, inland, *via* New Orleans, on the 6th, and arrive, *via* Tehuantepec, at Ventosa on the 16th.

WM. C. BARNEY.

Having, as the Postmaster General is advised, the right under the original proposition in this case to the part of the service proposed beyond Havana, I agree to the above.

ELLWOOD FISHER.

HON. JOS. HOLT,
Postmasier General, U. S.

NATIONAL HOTEL,
Washington, March 25, 1859.

SIR: It seems to me that the laws of the United States, of 1845 and 1847, establishing the mail service between the Atlantic and Pacific States, and the several laws making appropriations for that service, leave no room for a doubt as to that service being included in the 4th and 5th sections of the act of 14th June, 1858, the opinion of the Attorney General to the contrary notwithstanding.

That service was created by the acts of 1845 and 1847, and in those acts that service is designated as "foreign," and the act of 14th June, 1858, is but an amendment of those acts. Under those acts alone can be found the authority of the Postmaster General to continue this service, and all the appropriations for this service are put in the ocean mail service bill, separately and distinctly from the inland transportation account, which is in another act.

If you cannot find authority under the act of 14th June, 1858, to contract under my modified proposals of 5th March, then that service must necessarily be discontinued at the expiration of the existing contracts, to wit, on 30th September next, for there is no other law under which you can find authority for making a contract.

The act of 1851 gives authority to contract for the transportation of the mails through a foreign country; but how are you to get the mails to that foreign country, unless under the 4th and 5th sections of the act of 14th June, 1858?

You are then placed in this position, either to contract under the act of June 14, 1858, or allow the service to cease, or contract without authority of law.

Respectfully, your obedient servant,

WM. C. BARNEY.

Hon. J. HOLT,
Postmaster General.

POST OFFICE DEPARTMENT,
Washington, March 28, 1859.

SIR: After a careful consideration of the views submitted by Mr. Barney and yourself, in support of the offer to transport the mails from New York to San Francisco, *via* the Isthmus, for the "gross inland and sea postages" received, I cannot but regard the proposal, as made under the act of June 14, 1858, as one which this department has no authority to entertain. If the service be domestic in its character, as has been held by the Attorney General, then, if the somewhat questionable power to contract for it on the basis proposed be conceded, it is clear that such contract could not be made without previous advertisement, to which Mr. Barney and yourself are understood to object. If it be treated as a foreign sea service, as you evidently contemplate, then a contract for its performance for the postages as a consideration would be necessarily followed by raising

the rates to the standard established by the act approved March 3, 1851, that is to say, 20 cents on single letters for a distance exceeding 2,500 miles, and for a distance under 2,500 miles, 10 cents. Your offer to convey the mails for the postages estimated at the present domestic rates, if accepted, would not remove the difficulty. The obligation to increase them to the standard fixed by the act of March 3, 1851, would still remain. The present rates of postage between New York and our possessions on the Pacific coast have been too long established by usage and the sanctions of law to justify this department in an attempt to increase them by placing them on a basis which they have not heretofore occupied. If such a change is desirable, it must be sought at the hands of Congress.

I am, very respectfully, your obedient servant,

J. HOLT.

ELLWOOD FISHER, Esq., *Washington, D. C.*

WASHINGTON, *April* 2, 1859.

SIR: In view of the urgency of some immediate action by the owners of the charter for the Isthmus of Nicaragua, I beg leave to ask you to take into consideration the importance, *politically*, to the United States, of that charter, which, if not fulfilled by the 30th of September next, from *neglect by the owners* thereof will lapse, and the Belly charter will supersede it.

I have now to request that you will make the delay for deciding the mail contract for the California mails as short as possible, and will invite proposals so that a decision may be arrived at in time for the steamer of 11th instant from New York, *via* Panama, for California.

Your obedient servant,

WM. C. BARNEY,
National Hotel.

Hon. J. HOLT,
Postmaster General, Washington.

NATIONAL HOTEL, WASHINGTON, D. C.,
Monday, April 4, 1859.

SIR: While I wish to avoid the error of saying too much, I think that the emergency requires that I should leave nothing unsaid which may tend to aid you in coming to a conclusion upon my proposal.

If the question is to be treated altogether as a postal matter, I have no doubt that the present contractors would perform the service proposed gratuitously until the 30th of June, 1860, as they would thereby, at a less cost than they have heretofore paid to Mr. Vanderbilt, close forever to American citizens the Nicaragua route, and secure their monopoly, with its privilege of exacting enormous bounties from the government for transporting the mails, and charging double fares on

all passengers to and from California. These contractors have had the monopoly for eleven years, and have received from the government nearly ten millions of dollars, and, with the aid of Mr. Vanderbilt, have almost consummated the forfeiture of vested rights of American citizens in the transit of Nicaragua.

The question is reduced to this: the Nicaragua route can be secured, under the White charter, from Nicaragua, provided a mail contract be given to us; but if it be refused the charter will be forfeited, and European influence will control the transit.

The only contestants for this contract are, as I understood you to say, Mr. Davidge and Mr. Vanderbilt, the former the payer and the latter the recipient of a large bonus in consideration of his keeping this route closed.

So onerous has the tax of the monopoly of the Pacific Mail Steamship Company become to the citizens of California that the legislature of that State, on the 10th of March, 1858, passed a series of resolutions condemning the grasping exactions of the monopoly, and instructing their senators and requesting their representatives to oppose any renewal of their contract.

Mr. Vanderbilt has, from time to time, made a feint to start an opposition line to California, but his true object has always been apparent, for as soon as his exorbitant demand was complied with by the monopoly, he withdrew his steamers, and the rates of fare were immediately raised in order to draw from the travelling community the necessary means to comply with his extortion.

These facts require no proof; but the evidences of the collusion between him and the present contractors I shall have the pleasure of handing to you on or before Wednesday next.

Under this state of facts, I submit whether it would not be an act of injustice to your department, to the mail service, and to our possessions on the Pacific, to entertain any proposition from either of these parties.

I have the honor to be your obedient servant,

WM. C. BARNEY.

Hon. J. HOLT,
Postmaster General.

NATIONAL HOTEL, WASHINGTON,
April 5, 1859.

SIR: I have the honor to submit to you evidence of the fact of the payment to Cornelius Vanderbilt of a large monthly bonus by the contractors *via* Panama in consideration of his withdrawing the steamers of the Nicaragua line.

I beg leave to correct an error in the date of the forfeiture of the "American Atlantic and Pacific Ship Canal Company;" the charter requires the route to be opened on or before the 16th of November next. I am informed, by advices from New York, that there is a rumor there "that representations have been made in Washington that the

canal company cannot carry out a mail contract for want of means." When that question shall properly come before you I am prepared to give good and sufficient guarantee for the faithful performance of the contract.

Your obedient servant,

WM. C. BARNEY.

Hon. J. HOLT, *Postmaster General.*

"It was ordered that an appropriation of five thousand dollars be made to Mr. Vanderbilt as on account of compensation for the withdrawal of the steamers of the Nicaragua line from competition with the Trust line, as to which *Mr. Fisher objects and protests.*"

I hereby certify that the above is a correct extract from the minutes of the trustees of the United States mail steamship line from New York to Aspinwall and New Orleans under the Sloo contract, and is all that is recorded on that subject at the date of the record, September 5, 1856, and that nothing else I am aware of appears elsewhere on said record; and that I am the party who objected and protested on that occasion against that transaction, but that I was overruled by M. O. Roberts and Horace F. Clark, my colleagues in the Trust; and that it appears from the books of account of said Trust that, not only after said transaction, but as long prior to it as the previous month, the said Vanderbilt was paid out of said Trust funds the sum of ten thousand dollars per month, for the purpose stated in said above order; and that, having been at the other times, as well as at the date of the order above vested, applied to to sanction said payments, I always refused.

And I further certify that the reasons assigned on that occasion, and at other times, by said colleagues, was that said Vanderbilt received the sum of thirty thousand dollars per month from the Pacific Mail Steamship Company for the same purpose, and that the agreement was that said Vanderbilt was not to run his steamships, or those of the Nicaragua Steamship Company, between New York or New Orleans and California; and that, on the establishment of any competing line, his pay, as aforesaid, of forty thousand dollars per month from the Atlantic and Pacific lines was to cease; and that the argument used in favor of such arrangement was that Vanderbilt undertook thus to intimidate opposition of all kinds to the said two lines, threatening that in case of such opposition or competition from any quarter he would immediately put his own line in operation and break down the competitor; and that said arrangement continued until the Washington started, some time last winter, with passengers, for Nicaragua, to connect with the Herman on the Pacific, and that then I was advised, or soon after, by my colleague, M. O. Roberts, that said arrangement with Vanderbilt had thereupon ceased; but that said Vanderbilt complained that said payments to him had been stopped by the Pacific Mail Company, and insisted that no such opposition had been established as authorized the refusal of such payments.

And I further certify that allegations of the aforesaid black mail arrangement have, in the last ten years, been made by papers of New

York and San Francisco, and by members of Congress, and have never, to my knowledge, been denied publicly, although I have understood that said Vanderbilt, and certain employés of the Pacific Mail Steamship Company, have denied that any arrangement was made to stop or to keep closed the Nicaragua Transit Company; but I certify that the understanding was that the payments were made in consideration of suppressing all competition, that of Nicaragua included.

ELLWOOD FISHER.

NEW YORK, *April* 4, 1859.

COR. 3 AND C., *March* 28, 1859.

SIR: Since our last interview I have examined, I believe, all the laws concerning the transportation of the United States mails *via* the Isthmus of Panama to California and Oregon. Not one of them treats the several routes on that line as inland or domestic.

1. The inland and domestic routes are provided for by a general law, which fixes the duration of the contracts at four years, and provides for advertisements for proposals. The California service by sea consists of three routes—one from New York and New Orleans, *via* Havana, to Chagres, one across the Isthmus, and one from Panama to California and Oregon—the first and last both having a foreign terminus. The service was provided for by a special law, which also provided for the other foreign lines by sea, and the duration of the contract was fixed at ten years, and every annual appropriation for mail pay for them all is contained in a single and distinct law. It cannot be said without an abuse of terms that the route from New York and New Orleans to Chagres or Aspinwall *via* Havana is domestic or inland, or that the route from Panama to San Francisco is.

2. The only thing that gives color to the assumption that those routes have been regarded by the department as domestic is the application of the provisions of a general law fixing postages for distances over three thousand miles at ten cents to the California postages by sea; but this is a latitudinous construction, and is to be adopted only as far as it goes; and that is, as a modification of the law fixing the rate of postages by sea between places in the United States. To carry it further; to say that it transfers one system of service and contracts to another, the foreign and sea to the domestic and inland, is to construe latitudinously a construction already latitudinous.

3. The inland or domestic service has been uniformly provided for in a separate post office appropriation bill, which always begins with the clause: For transportation of the mails inland so much, and in that sum has been included *never* the compensation for the sea routes between the Atlantic and Pacific ports of the United States.

4. Unless the views I have presented be adopted the department has no authority whatever to make any sort of contract for those mails by those routes, and the service must therefore cease on the first of October next. In that event the Britsh lines already established from

New York to Havana, and about to be thence to the Isthmus, and from there to Frazer's river *via* San Francisco, will carry the important United States mail—a result that would be far from flattering to the Post Office Department and the government.

5. The opinion of the Attorney General of June 26, 1858, besides being as to this case a mere *obiter dictum*, has the misfortune of contradicting itself. In that opinion it is held that the route from Panama to San Francisco is inland and domestic. If so, why was it not advertised for, as the law directs, in all cases of inland and domestic routes? Yet the opinion is given *ex post facto* to sustain a contract made ten days before without any previous advertisement. Yet the opinion relies mainly on the appropriation made in the regular foreign sea service bill, and made evidently on the ground that the service was such.

6. The fifth section of the act of June 18, 1858, determines by the time of its enactment as well as by its terms most conclusively the purpose of Congress. Every one of the ten-year contracts for the foreign sea service, that *via* Panama included, would, it was well known, expire in a little more than a year from the date of this act. The Postmaster General, of course, required that much time to provide for the continuance of the service. The act was passed fixing the terms. An offer was made by one of the New York and New Orleans lines *via* Havana, in accordance with its terms, and was promptly accepted by him, and surely that service is as much domestic and inland as the service now proposed. The offer now made is the second under that act, and is admitted to be the best ever made, and better than was expected; for the proprietory of the existing lines under contract positively refused the terms, and went to the last session of Congress for better, and were emphatically repudiated, their proposition incorporated in the mail steamer bill was rejected, their course in paying Vanderbilt about half a million a year to crush competition having no doubt had much influence with that body.

7. Your department has not considered itself bound by the opinion of the Attorney General of 26th June, 1858, or has not considered it applicable to this case. For when in the last session of Congress Mr. Yulee, chairman of the Senate Post Office Committee, sent to the late Postmaster General the draught of a bill to provide for this very sea service at a cost of about a million of dollars, he answered and insisted that he could provide for it on much better terms under the act of June 14, 1858, on which we rely, and beg leave to refer you to that answer on file in the department.

8. I understood you to observe that while the Post Office Department received the postages arising from the service to California, &c., the payments for that service were made out of the treasury, and hence the department in its present predicament would by the proposed contract have to relinquish that part of its revenues which might otherwise be applied to other service. But if a contract is made for service to be commenced on the first of October next, the first quarter's pay will not be due until the 1st January following, nearly a month after the regular session of Congress commences, which in that time will unquestionably provide for all exigencies of the department.

9. It will be seen by the third section of the act of June 14, 1858, that the appropriations for the transportation of the mails from New York to Havre by Southampton, from Charleston to Havana, and those across the Isthmus of Panama, altogether amounting to three hundred and eighty thousand dollars, are to be paid out of the revenues of the department, not, as heretofore, out of the treasury; and this affords additional evidence of the meaning of Congress, not only that the California sea service belongs to the same class with the European—belongs to the foreign and not the domestic service—but, in connexion with sections four and five, of its determination that it must be sustained by the postages. And whatever may be said as to which class of postal service the California lines belong, there can be no dispute as to the intention of Congress that the pay should be reduced to the postages, a reduction of nearly one-half on the existing rates, and on those proposed to the last Congress, as is manifest from the draught of the bill sent by Mr. Yulee to the Postmaster General.

I have in conclusion but to repeat my wish for a proper decision of the department, as that is requisite for the execution of the contract tendered, and to request that I may be immediately advised of the decision made by letter addressed to the Brevoort House, New York.

Very respectfully,

ELLWOOD FISHER.

Hon. JOSEPH HOLT,
Postmaster General.

WASHINGTON CITY, D. C.,
Tuesday, March 29, 1859.

SIR: I submit to you a brief of all the laws of the United States relating to "ocean mail service," and hope that it will facilitate your thorough examination of them, which I think the case demands before you give a final decision.

But for the most extraordinary opinion of the Attorney General, there cannot be a doubt what your decision and that of every lawyer would be.

The opinions of the Attorney General are but opinions, merely advisory, and by no means obligatory; and now this opinion, which was obtained to sustain a previous construction of the law, and to sanction a previous executive act under the law, applicable only to a particular case, is set up as the final decision upon the construction of that law, a construction totally at variance with the intention not only of the special framers of the law, but with the construction placed upon it by the legislators when they made it the law of the land, (or rather of the sea.)

There can be no doubt as to the intention of the legislators as to the scope and meaning of that law. The debates upon it prove beyond a cavil their construction of the law. The chairman of the committee of conference on that act, upon interrogatories from many members of the House, stated, in plain English, the construction which the committee had placed on the law; and upon that construc-

tion he asked the concurrence of the House of Representatives. He stated that the law applied "not only to the foreign, but to the home service;" "not only to the service to Europe, but to the service on our coast, and to the service between the Atlantic and Pacific States;" that this act curtailed the power of the Postmaster General, conferred upon him by the act of 3d March, 1845, by limiting the duration of contracts and the pay for the service.

This construction placed upon the law the House of Representatives accepted, and passed the act.

It will be difficult to find any other law in the statutes the meaning of which is more clearly defined by the framers of it, and that meaning would not have been questioned but for another clause in the act making appropriation for the service from Panama to Astoria for one year, which, however, if not restricted by the general scope of the fourth and fifth sections, could only be construed as an exception to the general principle; but when it can be proved that the appropriation above named, under a mistaken statement of facts made innocently to the House of Representatives, received the sanction of the House, surely that exception should not be so construed as to defeat the very intention of the act.

The appropriation above named was voted by the House of Representatives, under the belief that it was necessary to carry out an existing contract. This statement was made in the committee of conference on this act.

I will not offer any reason of politics, or of policy, to induce you to give to this law its literal and, to my mind, only interpretation. The law, notwithstanding the interpretation of the Attorney General, is simple and plain; the intention of its framers is well known; the construction given to it, which obtained for it the sanction, is clearly defined, and it remains for you to execute the law *as you understand it*, upon your own responsibility, having satisfied yourself of the construction placed upon it by Congress.

Very respectfully,

WM. CHASE BARNEY.

Hon. JOS. HOLT,
Postmaster General, U. S., Washington, D. C.

The act establishing service between the United States and foreign countries, (page 748, vol. 5,) was "An act to provide for the transportation of the mail between the United States and foreign countries." The first section authorizes the Postmaster General "to contract for the transportation of the United States mail between any ports of the United States and a port or ports of any foreign power." The third section fixes the rates of postage on all mailable matter in these mails, to wit: not less than 3,000 miles, 24 cents, with United States inland added.

The next law upon these sea mails is the act of 3d March, 1847, entitled "An act providing for the building and equipment of four naval steamships," (page 187, vol. 9.) The fourth section says: "It shall be the duty of the Secretary of the Navy to contract with A. G. Sloo for the transportation of the mails from New York to New Orleans,

touching at Havana, and from Havana to Chagres and back, twice a month." And the fifth section "provides for the transportation of the mail from Panama to some port in Oregon, to connect with the mail from Havana." Contracts were made in virtue of the above upon proposals received under the Post Office Department's advertisement, under the law of 3d March, 1845.

The next law on this subject is in the post route bill of 3d March, 1847, (page 200, vol. 9, section 6,) limits the expenses to $100,000 per annum, and authorizes the Postmaster General to contract for transporting the mails across the Isthmus of Panama. This is the first mention made of the transportation across the Isthmus of Panama. Section seven fixes the rate of postage, to wit: to Chagres, 20 cents; to Havana, 12½ cents; to Panama, 30 cents; to Astoria, or any other place on the Pacific coast in the United States territory, 40 cents.

It is thus placed beyond a doubt that the rates of postage for matter "conveyed in the mail," of the act of March 3, 1845, did not apply to the mail by sea between the Atlantic and Pacific States.

The next law is the "act making appropriations for the naval service," August 3, 1848. Section 10, page 272, volume 9, says: "It shall be the duty of the Postmaster General, under the direction of the President, to cause the net receipts of postages collected on the several lines of steamers from New York to Europe, from New York to Chagres, and from Panama to some point in the Territory of Oregon, to be deposited in the treasury to the credit of the appropriation for the annual transportation of the mail to be rendered under said contracts, *or otherwise apply the said postages in payment of the said annual compensation.*"

Here, then, if no subsequent act had been passed by Congress, the Postmaster General finds full authority for "applying the postages in payment of the annual compensation."

The next law is the post route act of August 14, 1848. Section 3, page 320, volume 9, fixes the rates of postage on letters to or from all places on the Pacific, in the United States, to any place on the Atlantic coast, at 40 cents; all letters between places on the Pacific, 12½ cents; and "the Postmaster General is authorized to apply any moneys received on account of postages aforesaid to the payments to be made on the contract for transporting the mails in the Pacific."

Here, then, is the principle of applying the postages to pay for the service again laid down.

The mail steamship service between the Atlantic and Pacific began October, 1848, under the contracts above authorized by the act of 1847, and the Postmaster General sent the mail across the Isthmus of Panama in charge of special post office agents.

The Panama railroad was then in process of construction.

The act of March 3, 1851, "An act to reduce the rates of postage," page 587, has these words: "for every single letter conveyed in the mail *for any distance between places within the United States* not exceeding 3,000 miles, prepaid, 3 cents; not prepaid, 5 cents; and over 3,000 miles, double those rates; for every single letter, when conveyed *wholly or in part by sea*, and to and from a foreign country, for any distance under 2,500 miles, 10 cents, except when the rate is or may be adjusted by postage treaty."

This law plainly draws a distinction "between places within the United States" and the mails "conveyed *wholly or in part by sea.*"

The act of March 3, 1851, making appropriations for naval service, (page 623,) makes the appropriation for the mails to Liverpool, Chagres, and Oregon, thus clearly showing this service was considered a sea service, and was not included in the inland service.

The next law is the act making post-routes, March 3, 1851, page 645, authorizing the Postmaster General to contract for transporting the mails through any foreign country, and he is "bound to select the speediest, safest, and most economical route." Vol. 10, page 641, act to amend act to reduce postage March 3, 1855: every single letter between places in the United States under 3,000 miles, 3 cents; over 3,000 miles, 10 cents, prepaid.

We now come to the act of June 14, 1858. Section 4 limits the powers of the Postmaster General conferred upon him by act of March 3, 1845, to contract for mail to foreign countries, (page 364, 1857, 1858.) Section 5 authorizes the Postmaster General to contract for two years, and give postages as pay. Under this act alone, can the Postmaster General find authority to contract for the mails by sea between the Atlantic and Pacific States.

I append the opinion of Attorney General Black, given to the Secretary of the Navy June 4, 1857, upon the weight to be allowed to the opinions emanating from this office.

"Standing on these grounds, I am safe in saying that the action of the Postmaster General and the accounting officers is not conclusive, nor was it intended by them to be so. Subsequent to that action nothing was done except taking the opinion of the Attorney General. Is that opinion such a judgment in the case that it *shuts out all further inquiry?*

"I am clear that *it is not.* The duty of the Attorney General is to *advise*, not to decide. A thing is not to be considered as done by the head of a department merely because the Attorney General has advised him to do it. You may disregard his opinion if you are sure it is wrong. He aids you in forming a judgment on questions of law, but *still the judgment is yours, not his.* You are not bound to see with his eyes, but only to use the light which he furnishes in order to see the better with your own."

The opinion, then, of the Attorney General upon the act of June 14, 1858, does not shut out all further inquiry, and the judgment upon the question is *yours*, not his.

OFFICE NEW YORK AND NEW ORLEANS STEAMSHIP COMPANY,
No. 1 *Park Place, New York, April* 22, 1859.

SIR: In making proposals for conveying the mails of the United States between New York and San Francisco, and between New Orleans and San Francisco, agreeably to the letter dated April 7, 1859, addressed to me by the First Assistant Postmaster General, I desire to know if the usual printed blanks properly filled up *as usual*

should be used, or can be used, or are preferred by the department; and if so, I request that six of these blanks be sent to me.

Your obedient servant,

WILLIAM C. BARNEY.

Hon. J. HOLT,
Postmaster General, Washington, D. C.

POST OFFICE DEPARTMENT,
Washington, April 23, 1859.

SIR: I have to inform you, in answer to your letter of 22d inst., that no particular form has been prepared for the proposals invited in my letter of 7th instant, the parties proposing being at liberty to make their bids in such form as they may think proper to adopt, the essential requirements being fully met.

I send herewith several copies of the usual form of proposal for domestic service, which you can use so far as it is applicable, making the necessary changes according to circumstances.

I am, very respectfully, your obedient servant,

HORATIO KING.

WM. C. BARNEY, Esq.,
Office of N. Y. & N. O. S. S. Co.,
No. 1, *Park Place, New York.*

PROPOSAL.

NEW YORK, *April* 28, 1859.

The undersigned, William C. Barney, whose post office address is New York, county of New York, State of New York, proposes to convey the mails of the United States, for a period of nine months, from the 1st of October next to the 30th of June, 1860, inclusive, between New York and San Francisco, and between New Orleans and San Francisco, agreeably to the letter of the First Assistant Postmaster General, dated April 7, 1859, for the sum of one hundred and seventy-eight thousand dollars, ($178,000.)

The undersigned proposes to make two trips a month from New York, touching at Havana, thence to San Juan del Norte by river San Juan and Lake Nicaragua, and overland to San Juan del Sur, thence, *via* Ventosa and Acapulco, to San Francisco, in *twenty-three days*; and back by same route from San Francisco, twice a month, to New York, in *twenty-two days*, for $143,100.

The undersigned proposes to make two trips a month from New Orleans to San Francisco, by Havana, San Juan del Norte, San Juan del Sur, and Acapulco, in *twenty-one* days, and from San Francisco, by same route, twice a month, to New Orleans, in *nineteen* days, for $35,100; it being understood that the mails from New Orleans for San Francisco shall connect at Havana with the mails from New York, and proceed with said mails to San Francisco, and the mails from San

Francisco for New Orleans shall leave San Francisco with the mails for New York as far as Havana, and from thence to New Orleans. The sea service to be performed by good and efficient steamships.

WILLIAM C. BARNEY.

Witness: CHARLES H. WOOD.

GUARANTEE.

NEW YORK, *April* 28, 1859.

The undersigned, residing at New York, State of New York, undertake that if the foregoing bid for carrying the mail between New York and San Francisco, and between New Orleans and San Francisco, be accepted by the Postmaster General, the bidder shall enter into the required contract with the department, with good and sufficient sureties for the faithful performance of the service proposed, and they guarantee that the party making the above proposal is prepared to perform the designated service.

JAMES HALL.
J. L. WHITE.

Witness: WM. CALDWELL,
Assistant Postmaster, New York.

CERTIFICATE.

NEW YORK, *April* 28, 1859.

The undersigned, postmaster at New York, State of New York, certifies, under his oath of office, that he is acquainted with the above guarantors, and knows them to be men of property and able to make good their guarantee.

ISAAC V. FOWLER, *Postmaster.*

PROPOSAL.

NEW YORK, *April* 28, 1859.

The undersigned, William C. Barney, whose post office address is New York, county of New York, State of New York, proposes to convey the mails of the United States for a period of nine months, from the 1st October next to the 30th June, 1860, inclusive, between New York and San Francisco, and between New Orleans and San Francisco, agreeably to the letter of the First Assistant Postmaster General, dated April 7, 1859, for the sum of two hundred and fifteen thousand and ten dollars, ($215,010.)

The undersigned proposes to make two trips a month from New York, *via* Key West, San Juan del Norte, San Juan del Sur, and Ventosa and Acapulco, to San Francisco, in *twenty-three days*, and back by same route, twice a month, in *twenty-two days*, for $194,310.

The undersigned proposes to make two trips a month from New

Orleans, *via* Key West, San Juan del Norte, San Juan del Sur, and Acapulco, to San Francisco, in twenty-one days, and back by same route, twice a month, in *nineteen days;* and to convey the mails of the United States between New York and Havana, *via* Key West, twice a month by the same steamer, and between New Orleans and Havana, *via* Key West, twice a month by the same steamer, for $20,700. It being understood that the mails from New Orleans should connect at Key West, and proceed thence with the mails from New York to California.

The sea service to be performed in good and sufficient steamships.

WILLIAM C. BARNEY.

Witness: CHARLES H. WOOD.

GUARANTEE.

NEW YORK, *April* 28, 1859.

The undersigned, residing at New York, State of New York, undertake that if the foregoing bid for carrying the mail between New York and San Francisco, and between New Orleans and San Francisco, be accepted by the Postmaster General, the bidder shall enter into the required contract with the department, with good and sufficient sureties for the faithful performance of the service proposed, and they guarantee that the party proposing is prepared to perform the designated service.

JAMES HALL.

J. L. WHITE.

Witness: WM. CALDWELL,
Assistant Postmaster, New York.

CERTIFICATE.

NEW YORK, *April* 28, 1859.

The undersigned, postmaster at New York, State of New York, certifies, under his oath of office, that he is acquainted with the above guarantors, and knows them to be men of property and able to make good their guarantee.

ISAAC V. FOWLER,
Postmaster.

PROPOSAL.

NEW YORK, *April* 28, 1859.

The undersigned, William C. Barney, whose post office address is New York, county of New York, State of New York, proposes to convey the mails of the United States for a period of nine months, from the 1st October next to the 30th June, 1860, inclusive, between New York and San Francisco, and between New Orleans and San Francisco, agreeably to the letter of the First Assistant Postmaster General, dated April 7, 1859, for the sum of *two hundred and thirty-seven thousand six hundred dollars*, ($237,600.)

The undersigned proposes to make two trips a month from New York, *via* Havana, San Juan del Norte, San Juan del Sur, and Ventosa and Acapulco, to San Francisco, in *twenty-three days;* and back from San Francisco by same route, twice a month, to New York in *twenty-two days*, for $179,100.

The undersigned proposes to make two trips a month from New Orleans to San Francisco, *via* Havana, San Juan del Norte, San Juan del Sur, and Acapulco, in *twenty-one* days, and back by same route in *nineteen* days, for $35,100.

The undersigned proposes to make two trips a month from Savannah, *via* Havana, San Juan del Norte, San Juan del Sur, and Acapulco, to San Francisco in *twenty-one* days, and back by same route twice a month, in *nineteen days*, for $23,400.

It being understood that the mails from New Orleans and from Savannah shall connect at Havana with the mails to and from New York, and to and from San Francisco, and proceed to New York and to San Francisco with said mails. The sea service to be performed by good and sufficient steamers.

WILLIAM C. BARNEY.

Witness: CHARLES H. WOOD.

GUARANTEE.

NEW YORK, *April* 28, 1859.

The undersigned, residing at New York, State of New York, undertake that if the foregoing bid for carrying the mail between New York and San Francisco, and New Orleans and San Francisco, and Savannah and San Francisco, be accepted by the Postmaster General, the bidder shall enter into the required contract with the department, with good and sufficient sureties for the faithful performance of the service proposed, and they guarantee that the party making the proposal is prepared to perform the designated service.

JAMES HALL.
J. L. WHITE.

Witness: WM. CALDWELL,
Assistant Postmaster, New York.

CERTIFICATE.

NEW YORK, *April* 28, 1859.

The undersigned, postmaster at New York, State of New York, certifies, under his oath of office, that he is acquainted with the above guarantors, and knows them to be men of property and able to make good their guarantee.

ISAAC V. FOWLER,
Postmaster.

PROPOSAL.

NEW YORK, *April* 28, 1859.

The undersigned, William C. Barney, whose post office address is New York, county of New York, State of New York, proposes to convey the mail of the United States for a period of nine months, from the 1st of October next to the 30th June, 1860, inclusive, between New York and San Francisco, and between New Orleans and San Francisco, agreeably to the letter of the First Assistant Postmaster General, dated April 7, 1859, for the sum of two hundred and sixty-eight thousand and two hunred dollars, ($268,200.)

The undersigned proposes to make two trips a month from New York *direct* to San Juan del Norte, thence by river San Juan and Lake Nicaragua and overland to San Juan del Sur, thence, *via* Ventosa and Acapulco, to San Francisco, in *twenty-two* days, and back by same route, twice a month, to New York, in *twenty-one* days, for $189,000.

The undersigned proposes to make two trips a month from New Orleans *direct* to San Juan del Norte, there connecting with the mails from New York, and proceeding with said mails to San Francisco in *twenty* days, and back twice a month by same route to New Orleans, in nineteen days, leaving San Francisco with the mails for New York, and with said mails as far as San Juan del Norte, and thence direct to New Orleans, for $79,200. The sea service to be performed by good and efficient steamships.

WILLIAM C. BARNEY.

Witness: CHARLES H. WOOD.

GUARANTEE.

NEW YORK, *April* 28, 1859.

The undersigned, residing at New York, State of New York, undertake that if the foregoing bid for carrying the mail between New York and San Francisco, and between New Orleans and San Francisco, be accepted by the Postmaster General, the bidder shall enter into the required contract with the department, with good and sufficient sureties for the faithful performance of the service proposed, and guarantee that the party making the above proposal is prepared to perform the designated service.

JAMES HALL.
J. L. WHITE.

Witness: WM. CALDWELL,
Assistant Postmaster, New York.

CERTIFICATE.

NEW YORK, *April* 28, 1859.

The undersigned, postmaster at New York, State of New York, certifies, under his oath of office, that he is acquainted with the above

guarantors, and knows them to be men of property and able to make good their guarantee.

ISAAC V. FOWLER, *Postmaster*.

WASHINGTON CITY, D. C.,
Tuesday, May 3, 1859.

SIR: Having made proposals to your department to convey the mails between New York and New Orleans and San Francisco, and believing that the "Pacific Mail Steamship Company" and Cornelius Vanderbilt are competitors for the same service, I feel myself warranted in submitting to you several facts which show that the bids of neither of these parties should be entertained by the Post Office Department.

The 24th section of the act of July 2, 1836, ends as follows: "*Provided, however*, That the Postmaster General shall not be bound to consider the bid of any person who shall have wilfully or negligently failed to execute or perform a prior contract."

Cornelius Vanderbilt, and Daniel Drew and Edward N. Dickerson, as sureties, entered into a contract with the Postmaster General, on the 9th of May, 1857, to transport the United States mail to Southampton, in England, and to Bremen, and back to New York, for the year ending June 1, 1858, the first trip on the 13th June, 1857, and he last outward trip on the 15th May, 1858, for the gross amount of the United States postages, sea and inland, and to carry said mail within the times fixed in the annexed schedule of departures and arrivals.

Now, the said Vanderbilt totally failed to perform the trips from New York on the 23d of January and 20th February, 1858, being the days named in the schedule. At that time Mr. Vanderbilt had five steamships lying idle at the docks in New York, to wit, the Vanderbilt, Ariel, North Star, Northern Light, and Daniel Webster. Hence it is evident that his failure to make those trips was "wilful."

It is well known that Mr. Vanderbilt publicly announced that he would not convey the mails in the winter season for the postages, and this in the face of his contract.

I now respectfully submit whether the section of the law above referred to should not be rigorously applied to such a delinquent contractor, or whether such a delinquency shall be rewarded by giving another contract?

The 28th section of the act of July 2, 1836, enacts, "that no contract for the transportation of the mail shall knowingly be made by the Postmaster General with any person who shall have entered into any combination to prevent the making of any bid for a mail contract by any other person or persons; or who shall have made any agreement, or shall have given or performed, or promised to give or perform, any considerntion whatever, or to do or not to do anything whatever, in order to induce any other person or persons not to bid for a mail contract."

I respectfully submit whether the "Pacific Mail Steamship Company"

and Mr. Vanderbilt do not fall within the operation of this section of the law? It is a fact, admitted by both these parties, that the one paid a large bonus annually to the other to close and keep closed the Nicaragua route, and thereby subject the department to the exactions of the Panama monopoly. I have heretofore submitted to you a transcript from the books wherein this bonus was ordered by the board of directors to be paid to Mr. Vanderbilt, and I now submit a *prima facie* evidence of the acknowledgment of this fact, in that they appointed referees to settle the claim growing out of the non-payment of the subsidy agreed to be paid, while opposition was kept off the California route.* (See money article in the New York Tribune, of April 29th, enclosed.)

I now most respectfully submit whether either of these parties should be encouraged and rewarded?

Yours, very repectfully,

W. C. BARNEY.

Hon. JOSEPH HOLT,
Postmaster General, U. S.

* The referees in the case of Commodore Vanderbilt against the Pacific Mail Company have awarded $30,000, about one-half the amount claimed. The claim grew out of the non-payment of the subsidy agreed upon to be paid while opposition was kept off the California route, which subsidy was held back for the month when the Washington made her trips to San Juan.

Ordered that there be printed, with the testimony taken before this committee in relation to contracts for carrying the California mails, &c., the documents contained in Senate Executive Document No. 72, 35th Congress, 1st session, in relation to the route across the Isthmus of Tehuantepec, and the documents contained in Senate Executive Document, No. 45, 36th Congress, 1st session, in relation to the contract with Daniel H. Johnson to carry the California mails, &c.—(*Committee Journal, May* 26, 1860.)

35TH CONGRESS, 1st Session. } SENATE. { Ex. Doc. No. 72.

MESSAGE

OF

THE PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

A resolution of the Senate respecting the Isthmus of Tehuantepec.

JUNE 11, 1858.—Read. Motion to print referred to the Committee on Printing.

JUNE 12, 1858.—Report in favor of printing submitted, considered, and agreed to.

To the Senate of the United States:

In answer to the resolution of the Senate of the 19th ultimo, respecting the Isthmus of Tehuantepec, I transmit herewith a report from the Secretary of State, with the documents by which it is accompanied, together with the copy of a letter from the Postmaster General of the 24th ultimo to the Department of State.

JAMES BUCHANAN.

WASHINGTON, *June* 11, 1858.

DEPARTMENT OF STATE,
Washington, June 11, 1858.

The Secretary of State, to whom was referred that branch of the resolution of the Senate of the 19th ultimo, requesting the President "to inform the Senate whether any efforts have been made or authorized by the executive department, or any officer thereof, to induce the government of Mexico to annul or impair the grant of February 5, 1853, for the construction of a plank road and railroad across the Isthmus of Tehuantepec, as recognized in the treaty published at Washington, on the 30th of June, 1854, and to obtain a new grant of the same, or like character, for other parties; and, if so, that he communicate the names of those parties, together with the terms, conditions, and considerations of the grant, and all the correspondence connected therewith," has the honor to lay before the President the papers mentioned in the list subjoined.

Respectfully submitted,

LEWIS CASS.

The PRESIDENT.

List of documents.

Mr. Letcher to Mr. Webster.

[Extract.]

No. 5.] LEGATION OF THE UNITED STATES OF AMERICA,
Mexico, April 25, 1852.

SIR: Since the rejection of the Tehuantepec treaty I have held no intercourse with the minister of foreign relations. I am satisfied, however, that the administration and congress are anxious to escape from the consequences of the act which they have perpetrated, and that they will adopt some plan of legislation by which the right of way will be granted. I think I may say they are determined on this course.

The first plan proposed in congress was to grant to a Mexican company the right to construct a way of communication. The stock was to be divided into shares of $1,000 each. This company was to be under the control of the government. The second proposition was to authorize the president to make a contract with any company for the construction of the way of communication.

The first scheme was withdrawn, and the second did not receive a moment's consideration.

The president then advised the congress, in secret session, through his minister, to take the entire control of the subject, promising to co-operate in any contract which they might adopt. In consequence of

this communication, the proposals of Mr. Sloo, an American citizen, were introduced, which have been received, as I have been informed, with considerable favor. I have the honor, herewith, to transmit a copy of the proposition of Mr. Sloo.

It was stated in Congress, and confirmed by the administration, that all the requisitions in regard to Tehuantepec contained in the annual message of the President of the United States should be complied with; and that if Mexico should be coerced to do more by the strong arm of power, the responsibility of the consequences would not then rest upon her. * * * * * * * * *

I have the honor to be, sir, your obedient servant,

R. P. LETCHER.

Hon. DANIEL WEBSTER,
Secretary of State.

[Translation.]

The undersigned, A. G. Sloo, in view of the great existing necessity for establishing an interoceanic communication between the Atlantic and Pacific waters by the Isthmus of Tehuantepec, asks of the Mexican republic, for himself and his associates, a privilege upon the following bases:

ARTICLE 1. The communication through the Isthmus of Tehuantepec shall be opened, in the first place, by means of a wagon road, constructed either of wood or of stone, and when the wants of travelers or the transportation of goods require it there shall either be built a railway or a canal.

ARTICLE 2. When the road shall be passable, its transit must be considered as neutral and common to all nations that are at peace with Mexico.

ARTICLE 3. The execution of the work shall be on account of A. G. Sloo and his associates, who will enjoy the exclusive privilege for a period of forty years after the road shall have been completed.

ARTICLE 4. The construction of the plank or stone road shall be commenced within a year, counting from the date of the privilege, and completed in as short a space of time as possible.

ARTICLE 5. There shall be granted to the contracting company one league of land on each side of the line of communication, with the liberty to take from any of the lands belonging to the republic such timber, stone, limestone, or other materials as may be required for the construction of said road. In case the lands to the extent of one league on each side of the line should belong to private individuals, the latter shall be indemnified, agreeably to the provision of the Mexican constitution.

ARTICLE 6. The transit duties which may be fixed upon goods or passengers shall go to the contractors for the period of forty years, at the end of which all such duties shall belong to the Mexican government.

ARTICLE 7. Two-fifths of the net produce of the tolls or transit

duties upon goods and passengers shall, for the period of forty years, belong to the government of Mexico, and the same shall be paid to it every six months or annually. For the period of forty years after the road has become the property of the government the latter shall pay to the contractors the same two-fifths of the net produce.

ARTICLE 8. The Mexican government, as well as the contractors, may each respectively appoint agents, superintendents, and mediators, (interventores,) to see that the revenue of the roads is punctually collected.

ARTICLE 9. The exclusive right of navigating the river Coatzacoalcos shall form part of the privilege for opening the way of communication.

ARTICLE 10. The following articles shall be exempt from duties, viz: timber, screw pins, canvas, and iron hoops, worked stone and wooden houses, as well as such provisions as, in the opinion of the collector of customs, shall be deemed necessary for the exclusive support of the laborers employed in the construction of the road.

ARTICLE 11. All steam vessels employed in carrying the mail and passengers exclusively shall be exempt from tonnage duties.

ARTICLE 12. The Mexican government shall not be at liberty to impose more transit duties during the existence of the privilege than such as may be established by consent of the company, without any injury accruing to the capital which may be employed in the republic, either directly or indirectly.

ARTICLE 13. The government shall open at each extremity of the Isthmus such ports as it may deem suitable to the interests of the public treasury, and shall locate at every point where it thinks it expedient to do so custom-house officers, and such guards of safety as it may consider necessary for the protection of the revenue and the security of the interests of the nation.

ARTICLE 14. The government shall pledge itself to protect the company in the peaceful prosecution of the work, and guarantee to the latter quiet and undisturbed possession of the same during the whole term of the privilege, at the expiration of which the route, in the condition in which it may then be found, its interests, stations, and all that properly belongs to the same, shall become the property of the Mexican republic.

ARTICLE 15. All differences which may arise between the government and the contractors shall be adjusted by the supreme court of justice.

ARTICLE 16. Mexico shall preserve sovereign jurisdiction over all the territory across which the communication may be established; and this territory can neither be sold nor transferred, nor pledged away, either whole or in part, to any foreign nation.

ARTICLE 17. Should the contractors think proper to establish colonies of foreign families, they will have to subject themselves to the existing laws of the republic which govern the matter, or to those which may be enacted in future by the general congress.

RAMON ARISTA.
MANUEL PAYNO.

MEXICO, *April* 23, 1852.

Mr. Letcher to Mr. Webster.

[Extract]

No. 8] LEGATION OF THE U. S. OF AMERICA,
MEXICO, ——, ——.

SIR: * * * * * * * *

Congress adjourned *sine die* on the night of the 21st instant, having passed a bill authorizing the government to make a contract, subject to their approval, with some company, giving Mexican citizens the preference, to open a way of communication between the two oceans across the Isthmus of Tehuantepec.

A copy of the bill, as it passed, marked No. 3, is herewith enclosed.

I enclose also copies of a memorial and proposals to undertake the work, made in behalf of Col. Sloo, an American citizen, by his agents, all of whom are Mexican citizens.—(Marked No. 4.)

It is said that the government will probably close the contract upon the terms specified in the proposals. But upon this subject I do not pretend to be accurately informed, as I have constantly refused, since the rejection of the treaty, to hold any conversation with Mr. Ramirez, or any one else, in regard to any new scheme.

I have maintained the same ground I occupied when the treaty was rejected, without giving up one inch.

I am told there is a secret article, which is to form a part of the contract, in case it goes into effect, binding Col. Sloo to stand between Mexico and the New Orleans company, and to pay all just claims which that company may have against Mexico, growing out of the rejection of the treaty. I may not be accurately advised, but such is said to be the purport of the article.

* * * * * * * * *

I have the honor to be, sir, your obedient servant,

R. P. LETCHER.

Hon. DANIEL WEBSTER,
Secretary of State.

[Translation.]

The most excellent the president of the republic has been pleased to address to me the following decree:

"Mariano Arista, president of the United Mexican States, to the inhabitants of the republic: Know ye that the general congress has decreed as follows:

"ARTICLE 1. The government shall enter into a contract, or shall promote the formation of a company of native citizens, who shall, in both cases, be preferred to foreigners, or of both natives and foreigners, for the purpose of opening, by canal, railroad, or wagon road, a way of communication between the Atlantic and Pacific oceans by the Isthmus of Tehuantepec. The government shall not execute the con-

tract which it may make until the same shall have been first approved by the general congress.

"ARTICLE 2. The government, in order to make use of the power granted to it in the preceding article, shall be subject to the following conditions:

"1st. That the contract which is entered into shall not contain any clause which, through the rights it grants, may countenance reclamations of foreign governments against the republic, or impair in any respect the full and speedy exercise of its sovereignty in the said Isthmus of Tehuantepec.

"2d. That, in order to lend to the undertaking the most efficient and constant protection, the government may be one of the copartners.

"3d. That the interoceanic communication by the Isthmus shall be free and open to all the nations of the globe.

"4th. That, in order to render firm and perpetual the advantages of the communication, the government may negotiate with those powers which are allied to the republic by treaty, for the express recognition of neutrality of the passage by the Isthmus in case of war.

"MARIANO YAÑEZ,
"*President of the Chamber of Deputies.*
"GABRIEL SAGAZETA,
"*President of the Senate.*
"FRANCISCO ENCISCO,
"*Deputy Secretary.*
"GERÓNIMO ELIZONDO,
"*Senator Secretary.*

"Wherefore, I order it to be printed, published, circulated, and given due fulfilment.

"Palace of the national government at Mexico, May 14, 1852.

"MARIANO ARISTA.

"To Don JOSÉ F. RAMIREZ."

And I communicate it to you for your knowledge and consequent purposes.

God and liberty. Mexico, May 15, 1852.

RAMIREZ.

[Translation.]

The law which empowers the government to enter into a contract or to promote the formation of a company, native, foreign, or mixed, for the purpose of opening, by canal, railroad, or wagon road, a way of communication between the Atlantic and Pacific oceans by the Isthmus of Tehuantepec, having been published, we, the subscribers, have drawn up the proposols which we enclose to your excellency, and trust that you will examine them and take them into consideration.

We have preferred to form a mixed company rather than one entirely Mexican, because we think that this will render the work more

practicable; there will be more capital invested in it; a greater number of interests will work in its favor; and the enterprise will go forward with more rapidity and perfection to its completion. To limit ourselves solely to what the country itself can give, in view of its present resources and circumstances, would, in our opinion, be to deprive ourselves of many efficacious means of realizing our idea, and perhaps to condemn ourselves to never seeing it realized.

The conditions which our proposition contains are entirely harmonious with the law, and no one who considers them impartially will fail to acknowledge the advantages which they offer to the nation. The nation accords to the undertaking the plenitude of its sovereignty; it possesses for a certain time a part of its profits; the absolute property finally remains with it; and the foreign stockholders renounce every right or pretension which is not equally granted to Mexicans.

It would have been easy to form a company entirely Mexican in name, and to have its shares afterwards pass to foreigners, thus enabling a mixed enterprise, or one entirely foreign, to appear to be altogether Mexican, and to obtain rights in preference to any other company; but such a course not being proper we abstained from following it, being persuaded that the truth must manifest itself at all events. We will not omit to make here one observation, which is, that when a company is once organized, the transfer of its stock from one set of hands to another indiscriminately cannot be prevented, and that what was purely Mexican at its origin may become mixed or foreign afterwards. In order to reach such an end it would be necessary to provide that when the shares were all taken by citizens of the republic in no case could they be transferred to any one unless he had the same qualities—a prevention which it would be impossible to carry into effect, both because it would be an attack on property, and because it would occasion great obstructions in the common order of civil affairs.

Your excellency will be pleased to receive this proposition, and to report the same to the most excellent the president. We do not doubt that, upon a careful examination of it, it will obtain his respectable approval as well as that of the august chambers. If so, he will share with us the satisfaction of having promoted a work of benefit to the world, and of advantage and honor to Mexico; we being subject, in all respects, to its laws, and in perfect agreement with its supreme authorities.

We proffer to your excellency the assurances of our high consideration.

God and liberty. Mexico, March 15, 1852.

MANUEL PAYNO,
RAMON OLARTE,
Agents for A. G. Sloo.
JOAQUIN PESADO.
FRANCISCO ARANGOIZ.

[Translation.]

Contract entered into between the supreme government of the republic, of the one part, and Joaquin Pesado and Francisco Arangoiz, representatives of a Mexican company, and Ramon Olarte and Manuel Payno, agents of A. G. Sloo, of the other part, for the opening and construction of a way of communication between the waters of the Gulf of Mexico and those of the Pacific ocean, by the Isthmus of Tehuantepec.

ARTICLE 1. The contractors bind themselves to carry into effect the way of communication, making it by water as far as possible, and constructing from such point the roads which will be mentioned in article 13.

ARTICLE 2. The government grants to the contractors and to their associates the exclusive privilege of navigating the river Goatzacoalcos for the whole time established by the present contract; but all the inhabitants and owners of lands and other property situated on the bank of the river can import such articles as they need, and export their agricultural or manufactured products in vessels of Mexican construction.

ARTICLE 3. It also grants to the contractors and their partners, by way of donation, a strip of land, one league wide, on each side of the road which is opened, if the lands should be of the public domain; but if they should belong to private persons, only the ground necessary shall be taken, its owners being indemnified according to law.

ARTICLE 4. The contractors may take, gratis, from the lands of the public domain any material which may be necessary for the construction of the road or of its appurtenances, and for its preservation.

ARTICLE 5. Such materials can also be taken from the grounds of private persons, but on indemnifying the owners, in conformity to article 112 of the constitution.

ARTICLE 6. During the time that this contract lasts the contractors shall enjoy the exclusive privilege of transportation by the way of communication, and, consequently, can collect tolls, transit duties, and storage, and any other charges for carrying merchandise, or the prices of passage, agreeably to the tariff which shall be approved by the government; and the government cannot exact an impost or contribution of any kind, either on the transit of merchandise, on passengers, or on the capital invested in the undertaking.

ARTICLE 7. The government exempts from tonnage duty the company's steam vessels, which, sailing under the Mexican flag, may be appointed to convey correspondence and merchandise in transit.

ARTICLE 8. The company can import, free of duties, the materials and implements necessary for the construction and preservation of the road and its appurtenances, previously obtaining the permission of the government, through its inspector, with a memorandum of the articles which it is proposed to import. It can also introduce, upon the same conditions, goods which cannot be obtained on the Isthmus, and which may be needed by the laborers and persons employed in the labors of the road, for their subsistence and clothing.

ARTICLE 9. The liberty granted to the company for the transportation of merchandise shall be subject to the regulations which the government may prescribe, it being understood that with such liberty is not granted that of selling the merchandise at any point on the Isthmus.

ARTICLE 10. The government shall open the navigable and coastwise ports which may be necessary for the better service of the way of communication, which ports are to be selected by the contractors.

ARTICLE 11. The privileges which the government grants shall be valid and exclusive for the contractors and their partners during the whole time that the contract lasts.

ARTICLE 12. The government will protect, with its whole power, the prosecution, preservation, and security of the works.

ARTICLE 13. The contractors bind themselves to commence a plank road from the point at which the river Goatzacoalcos may not be navigable, and leading towards the Pacific, within the year at which the present contract is dated, and to finish such plank road within three years from its commencement; to commence the construction of a railroad within a year from this last date, and to finish said railroad in six years after; it being requisite in both cases that the contractors shall give seasonable notice to the government of the works having been commenced and of their having been finished.

ARTICLE 14. If the company should not comply with the obligations imposed by the preceding article within the periods prescribed, it shall lose its privilege, and the works which shall have been commenced, the accumulations of materials, implements, machines, and any other utensils which may have been gathered on its territory, shall inure to the benefit of the nation without indemnity therefor, and the company shall, moreover, incur a fine of two hundred thousand dollars, which it guarantees in conformity to what is prescribed in article 24; but the periods mentioned shall be suitably extended in case of war, pestilence, shipwreck, or of the occurrence of any other fortuitous event.

ARTICLE 15. The company also binds itself to construct the wharves and docks which may be necessary for the service of the way of communication at the ports which are newly established at the extremities of the road.

ARTICLE 16. The company binds itself to establish a line of steamers, under the Mexican flag, conformably to the laws of the country, to run from Vera Cruz to the point at which the river Goatzacoalcos may not be navigable, and from which the road or railway is to start.

ARTICLE 17. The company binds itself to convey, free of expense, the correspondence which may come for any point of Mexico, and that which is sent thence to other points where its steamers may touch, receiving and delivering it with the customary formalities; in like manner, it will convey all goods and articles which may be the property of the government at half of the tariff rates. Likewise, it will convey without any charge, going and returning, the officers, troops, employés, or agents of the general government or of the States. The metals and agricultural and manufacturing products of the republic will be conveyed at 25 per cent. less than the tariff price, and its citizens at 20 per cent. less.

ARTICLE 18. The company will exert itself to have the Pacific steamers continue making Acapulco their depository of stone coal, and it binds itself to examine, as soon as possible, the coal mines in the State of Guerrero, with a view of working them by means of contracts with their respective owners.

ARTICLE 19. For forty years, reckoning from the day on which the tariff mentioned in article 6 goes into execution, the Mexican government shall annually receive forty-five per cent. of the net receipts of the road, and for forty years more, reckoning from the conclusion of the first forty, the government shall annually receive sixty per cent. of the net revenues of the road, and for both periods the privileges granted shall be valid and exclusive, and cannot be changed, except by mutual consent; and at the end of that time the Mexican government shall enter into full and absolute possession of the road, with all its trains, implements, and appurtenances, on the footing which they may have had at the time of their greatest augmentation, it being understood that these, as well as the road, are to be delivered unincumbered and in perfectly serviceable condition, the old cars, machines, and utensils to be not more than half worn, but it is not understood that the vessels and steamers are to be included.

ARTICLE 20. The government and the company, each in its own behalf, can appoint comptrollers in proportion to the interests they respectively represent, in order to supervise, inspect, and explain the accounts of the road during the term of their respective rights.

ARTICLE 21. The company obligates itself to observe the following restrictions:

1st. The company cannot build fortresses on the Isthmus, nor organize military forces of any kind. It shall not give passage to any armed force, either Mexican or foreign, without express authority from the government.

2d. The company cannot establish colonies on the lands which are granted, unless with the consent of the government, being subject to the regulations which it may prescribe for such case, and to the general provisions of the laws.

3d. The company shall immediately dismiss from its service any person who shall be engaged in or who shall protect smuggling, and it shall assist the government in suppressing it.

4th. The company will endeavor to have every passenger observe the custom-house laws of the republic.

ARTICLE 22. The differences which may arise between the government and the company, or any of its copartners, shall be decided, in the last resort, and upon final judgment, by the supreme court of justice, in conformity to the laws; but the copartners who are foreigners cannot allege any kind of right or privilege which is not enjoyed by Mexicans. In order further to obviate any difficulties which may arise on this account, it is agreed that neither the company nor its members shall be able to alienate the whole or a part of their shares to any foreign government, and that if they should do so, they will lose by the very fact what is alienated, it accruing to the shares of the government in the character of a fine. Neither can they enter into any kind of contract or agreement with a foreign government or

its subjects when the effect of the contract entered into with them would be to create a right which would be objectionable or different from that expressed in this article.

ARTICLE 23. The transit by the way of communication shall be free for all the inhabitants of the globe; but the merchandise proceeding from countries which shall not have recognized by treaty the neutrality of the Isthmus shall pay 25 per cent. more than the merchandise proceeding from the countries which have entered into such stipulation.

ARTICLE 24. In order to guaranty the execution of the stipulations contained in this contract, the contractors will deposit $500,000 in a bank of the United States, or will give security for that amount, on the responsibility of this contract, to the satisfaction of the minister plenipotentiary of Mexico in that republic; it being observed that, in case of the guaranty going into effect, it will be limited to the amount deposited or given as security, without any further responsibility on the part of the copartners.

MEXICO, *May* 15, 1852.

Mr. Rich to Mr. Webster.

[Extract.]

No. 20.] LEGATION OF THE UNITED STATES,
Mexico, August 31, 1852.

SIR: * * * * * * * *

The time for receiving bids for the Tehuantepec road has been again further postponed to the 30th August, and it is said these postponements are made for fear of the United States, and that this government is anxiously waiting to hear from the United States to know what are the intentions of our government in relation to the Garay grant.

There were four sealed letters sent in yesterday for proposals for opening the Tehuantepec road; the result will not be known for a day or two.

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I am, sir, with great respect, your obedient servant,

WILLIAM RICH,
Chargé d' Affaires ad int.

Hon. DANIEL WEBSTER,
Secretary of State, Washington.

Mr. Conrad to Mr. Conkling.

[Extract.]

No. 4.] DEPARTMENT OF STATE,
Washington, October 14, 1852.

SIR: * * * * * * * *

A few general instructions are all that are necessary for your guidance:

A communication affording a cheap and rapid means of transporting passengers and merchandise across the Isthmus of Tehuantepec has long been considered an object of great importance to the commercial world. To the United States in particular it is difficult to estimate the value of such a communication. Mr. Trist, who was first appointed commissioner to negotiate a treaty of peace with Mexico, was authorized to offer a large sum if she would agree merely to put our citizens and government upon the same footing as her own in regard to crossing the Isthmus by any communication then existing, or thereafter to be constructed. The proposition was rejected by Mexico, on the ground that she had, several years before, transferred all her right in regard to this right of way to one of her own citizens, (a Mr. Garay,) who had subsequently assigned them to British subjects. The British subjects alluded to transferred all their rights to the grant to certain persons, and the same have now passed to an association of American citizens, by whom it is now held. This association have taken measures to construct a railway across the Isthmus. With the knowledge and consent of Mexico a survey was made for that purpose, which resulted in the discovery of an excellent harbor on the Pacific, the existence of which appears to have been heretofore unknown, and the want of which had always been thought to present an insuperable obstacle to the success of the undertaking. The enterprise was found to be in other respects of easier accomplishment than had been supposed. Unwilling, however, to embark their capital in this undertaking without the guaranty of their own government, they applied to it for that purpose. Your predecessor was accordingly instructed to propose to Mexico a treaty on this subject. The proposal was acceded to, and on the 22d day of June, 1850, a treaty was negotiated, by which, among other stipulations, Mexico virtually recognized the validity of the grant; but the provisions containing this recognition not being as explicit as it was desirable they should be, it was sent back to Mexico for amendment, without having been submitted to the Senate. A new convention was made, which was approved by the Senate and ratified by the President of the United States, and was returned to Mexico to receive the assent of that government. Before it was submitted to the Mexican congress, however, that body adopted a decree by which they declared a formal decree, (of the Dictator Salas,) on which the validity of the original grant depended, to be null and void. The convention was subsequently rejected by the same body. In the mean time those who were engaged in making the survey were compelled, by an order from the Mexican

government, to leave the Isthmus before the survey was quite completed. It is understood a law has recently been passed by the Mexican congress authorizing the President to contract for the construction of a road across the Isthmus with any one who may undertake it. The above is a brief history of this negotiation. For more minute information on the subject you are referred to the correspondence between the two governments, to be found in the archives of the legation, and in a pamphlet recently printed by order of the Senate, with a copy of which you have been furnished.

Mexico having rejected the convention and repudiated the grant, and having made no proposition whatever, either to our minister there or through her representative here, this government cannot consistently, with a due regard to its own dignity, make any overtures to renew the negotiation. Nevertheless, this government anxiously desires that some arrangement should be made whereby the communication across the Isthmus may be established, and would listen to any reasonable proposition for that purpose. If, therefore, any such proposition should be made, you will receive and transmit it without delay. It is impossible to anticipate what form such a proposition may assume. I would suggest, however, that this government would advise the holders of the grant not to insist upon a literal compliance with its terms, and if there be any clauses in it particularly obnoxious to the Mexican government or people, those clauses might possibly be dispensed with or essentially modified.

You will therefore endeavor to ascertain what are the real objections to the grant, and whether and how they could be obviated or removed. It is understood that the grant of so large a portion of her territory is very objectionable to that government. If so, it might possibly be exchanged for some suitable equivalent, such as a prolongation of the privileges beyond the period mentioned in the grant. It is possible the pride of the nation might be wounded by a direct recognition of the grant. If so, this difficulty might be obviated by a direct cession of the right of way to the United States.

You will bear in mind that the great and paramount object of this government is to obtain a right of way across the Isthmus. If this object can be attained through the grant to Garay, it would, in justice to the holders of that grant, prefer accomplishing it in that way. It will in no event do any act to prejudice their rights against Mexico, growing out of said grant; but, if all the efforts of the government to obtain a recognition of the grant should be unsuccessful, it cannot permit the existence of a right which Mexico refuses to recognize, to present an insuperable obstacle to the prosecution of an enterprise in which the whole people of the United States are so deeply interested. In case, therefore, no proposition should be made to you based upon the recognition of this grant, and you should perceive no indications of a favorable change in the views or action of the government relative thereto, you will cautiously sound the government, with a view to ascertain, if practicable, whether it would be willing, on any and on what conditions, to cede the right of way to the United States, taking care, however, to say nothing which may lead it to infer that Congress

may not, as intimated by the report of the committee of the Senate, determine to enforce the performance of the grant.

It may be well to state that Mexico has always professed to be anxious to open the communication, and it is said the president, by virtue of the decree of congress above referred to, has recently advertised for proposals for a contract for that purpose. * *

Supposing, however, that government to be sincere in these professions, it is believed that the object can never be accomplished by Mexican capital, and that no *foreign* capitalists will embark in so great an undertaking without some other guaranty for the protection of their rights than the power and good faith of the Mexican government.

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C. M. CONRAD,
Acting Secretary.

ALFRED CONKLING,
&c., &c., &c.

Mr. Conkling to Mr. Everett.

[Extract.]

No. 1.] LEGATION OF THE UNITED STATES,
Mexico, November 23, 1852.

SIR: * * * * * * *

Congress has been in session since the 15th of last month; and ever since about the time of my arrival the project of an interoceanic communication across the Isthmus of Tehauntepec has occupied no inconsiderable share of the attention both of the executive and legislative branches of the government, as well as of the public at large.

After the adoption and abandonment in succession of various inconsistent modes of deciding upon the proposals invited by the government for executing this important work, they have at length been formally opened and referred to the chamber of deputies; but it having been discovered that some of them had been, in fact, made known long ago, and additional ones received from those who possessed this knowledge, it has just been decided to receive new proposals from those who had a right to complain of this breach of good faith, and they are availing themselves of this license. Of the means resorted to, and, as it is said, openly invited by the deputies to obtain votes, I abstain from speaking.

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I have the honor to be, very respectfully, sir, your obedient servant,
A. CONKLING.

The honorable the SECRETARY OF STATE, *Washington.*

Mr. Conkling to Mr. Everett.

[Extract.]

No. 14] LEGATION OF THE UNITED STATES,
Mexico, February 2, 1853.

SIR: * * * * * * *

I regret that the incessant agitation, for three months past, (in itself a great moral and political evil,) of the Tehuantepec question, has even yet led to no practical result, though it is now confidentially said that a contract for the construction of a railroad across the Isthmus is likely to be concluded in a few days with an American citizen named Sloo, and "his associates," and that I shall be invited to negotiate with the Mexican government a convention designed to secure the successful prosecution of the work, and its beneficial use when completed. Whether this expectation is to be fulfilled is a question concerning which I shall not hazard an opinion. Should it be verified, I should regard it as so great a misfortune to have the proposed negotiation postponed indefinitely, on account of the supposed want of authority in our minister here to entertain it, that, although my instructions on the subject were not framed with a view to the contingency of a new contract for the execution of the proposed work, and are not therefore in terms applicable to such a case, I think I shall venture, keeping steadily in view the spirit of my instructions, and the policy of the government as manifested in its past acts relative to the subject, to engage in the proffered negotiation without awaiting further instructions, which, however, it is in my opinion of vital importance that I should receive as soon as they can be prepared after the terms of the new contract shall be made known to our government.

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I have the honor to be, very respectfully, sir, your obedient servant,
ALFRED CONKLING.

Hon. EDWARD EVERETT,
Secretary of State, Washington.

Mr. Conkling to Mr. Everett.

[Extract.]

No. 15] LEGATION OF THE UNITED STATES, MEXICO,
February 2, 1853, *at night.*

SIR: After closing my accompanying despatch, No. 14, I received, through the secretary of the legation, an oral message from Mr. Arroyo, the acting minister of foreign relations, to the effect that a contract between the Mexican government and Mr. Sloo, for the construction of a railway across the Isthmus of Tehuantepec, would certainly be signed in the course of a very few days, and that the Mexican minister at Washington would be immediately so informed.

Such an instrument is known to have been prepared and drawn up in form by legal gentlemen by order of the president, several days ago, and to have ever since been before the president, by whom it has been most carefully revised and corrected. Its provisions have been the subject of so much anxious thought and earnest discussion that it seems reasonable to conclude that they are well adapted to the interesting and important end in view. I think it probable that a copy or abstract of it will be forwarded at once to Mr. Larrainzar.

It having thus become my duty at the eleventh hour [the courier leaves at an early hour to-morrow morning] to avert again to this subject, I avail myself of the opportunity to subjoin a word of explanation relative to my observation, contained in the accompanying despatch, of my intention not to decline to enter into a negotiation on the subject, should I be invited to do so.

My apprehension touching the principle on which the government of the United States saw fit to interpose in this affair after the assignment of the Garay contract to American citizens, (the New Orleans company,) is this: Not that the government considered itself under any *obligation* to these assignees, at their instance, and for their gratification or profit, thus to make themselves parties to this contract, in its nature primarily, and, as Mexico has always insisted, exclusively, cognizable in the Mexican judicial tribunals; but that the United States, without violating any principle of international law, might, at their option, insist on the recognition by Mexico of the rights claimed by these assignees, and in doing so, might further insist on stipulations from the Mexican government, deemed necessary to the accomplishment of the great enterprise in view, and to its practical utility when completed; and that considering the vast importance of the work to the whole American people, it was fit and proper for their government to avail itself of the opportunity thus presented, to interpose in the manner it did. If I am right in my interpretation of the past official language and acts of the government on this subject, it would seem to follow that I should be fully warranted, by the spirit of my instructions, in concluding such a treaty with the Mexican government, relative to the new contract, as the government of the United States deemed it proper to offer with regard to the Garay grant. *

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I have the honor to be, with great respect, sir, your obedient servant,

ALFRED CONKLING.

Hon. EDWARD EVERETT,
Secretary of State, Washington.

Mr. Conkling to Mr. Everett.

[Extracts.]

No. 16.] LEGATION OF THE UNITED STATES,
Mexico, February 3, 1853.

SIR: By the British courier, which left Mexico at an early hour this morning for Vera Cruz, I transmitted two despatches, Nos. 14

and 15, prepared yesterday and last night, to be carried to Washington by Mr. Yturbide, whom I appointed bearer of despatches for that purpose, and who had already left town for Vera Cruz.

These despatches were very hastily written, and under adverse circumstances, as therein stated and explained. In number 14, adverting to the probability of my being invited before long to negotiate a convention with the government of Mexico relative to the construction of a transit way across the Isthmus of Tehuantepec, I took occasion to observe that, under the peculiar circumstances of the case, I should feel myself warranted in accepting such an invitation. After closing that despatch, at a late hour of the day, I received an oral message from the acting minister of relations, inferring a very high degree of probability that a contract would be entered into by his government within two or three days for the opening of this transit way. Deeming it to be my duty to communicate this fact to you, I prepared despatch No. 15 for that purpose, and availed myself of the occasion to add some explanatory remarks touching the observation I have mentioned contained in my despatch No. 14.

* * * * * * * *

On the receipt of my instructions, &c., the day before my embarcation at New York, I read them and laid them aside. Finding, on my arrival here, the condition of things I have described, I saw no reason for reverting to those parts of my instructions which relate to the Tehuantepec transit way and the 11th article of the treaty of peace, and accordingly left them to sleep in their repository. * *

It thus happened that I was obliged to write on the subject without referring to my instructions, and with little reflection relative to the subject, though I was not altogether unmindful that it was not quite safe to do so. On recurring to it to-day, and examining my instructions and powers, I deeply regret to find that the impression under which I wrote, that I was fully authorized to conclude a convention with this government on the subject, as well of Tehuantepec as of Indian depredations, is unfounded, my full powers being limited to the making of a treaty upon this latter subject, while in regard to the former I am only directed to receive and transmit to your department any proposition relative thereto which might be offered by the Mexican government.

* * * * * * * *

I have the honor to be, very respectfully, sir, your obedient servant,

ALFRED CONKLING.

Hon. EDWARD EVERETT,
Secretary of State, City of Washington.

Mr. Conkling to Mr. Everett.

[Extract.]

No. 18.] LEGATION OF THE UNITED STATES,
Mexico, February 6, 1853.

SIR: In my despatches Nos. 14 and 15, which I had the honor very recently to transmit to the Department of State, I gave you reason to expect that a contract for the construction of a transit way across the Isthmus of Tehuantepec would very soon be entered into by the Mexican government. It is now my duty to inform you that, although very serious doubts subsequently arose, and continued until within the last twenty-four hours, whether this expectation would be verified, the contract is at length concluded.

I transmit herewith, marked A, a copy of a communication received at a late hour last night, announcing this result, and also a copy, marked B, of the correspondent decree, a printed copy of which I received from the minister of foreign relations this morning, accompanied by a note, a copy whereof, also marked B, I have the honor likewise to enclose. The contract itself I have not seen. I am promised a good translation of it as soon as it can be made, and will, without delay, forward a copy of it to your department.

I transmit also, herewith, a copy of my note of this morning, in answer to the two notes above mentioned. I am not sure it may not appear to you that, in speaking as I have done of the conduct of the president, I have departed from the strict line of official duty, and it is due to myself, therefore, to state that in an interview with the president, at his instance, two days since, and at a very trying crisis, we had a free conversation on the subject of the Tehuantepec question, in the course of which I became convinced that he was governed by the motives and acting in the spirit described in my note, and I am quite sure, situated as he is, that what I have written will be very grateful to his feelings, and I am not without hope that it may strengthen him in his responsible, harrassing, and, I am sorry to add, still somewhat precarious position. You will observe that I have expressed my willingness to "receive overtures." In assuming that I have authority to do this, although a contingency has arisen not contemplated by my instructions, I trust I am not mistaken in supposing that I have the requisite authority. * * * * * *

I have the honor to be, with very high respect, sir, your obedient servant,

ALFRED CONKLING.

Hon. EDWARD EVERETT,
Secretary of State, Washington.

Mr. Arroyo to Mr. Conkling.

[Translation.]

NATIONAL PALACE, MEXICO,
February 5, 1853.

The undersigned, chief clerk, at present in charge of the office of the secretaryship of relations, has the honor of addressing this communication to his excellency Alfred Conkling, envoy extraordinary and minister plenipotentiary of the United States of America, to inform him that, in pursuance of the law passed by the general congress on the 14th day of May, 1852, and the edict published in consequence thereof on the 29th of July, of the same year, his excellency the president *ad interim*, in the exercise of the powers with which he is invested, has deemed it good to agree to and direct the preparation of the necessary legal document approving the propositions relating to the opening of an interoceanic communication through the Isthmus of Tehuantepec submitted to him, in the name of a mixed company, by Messrs. Ramon Olarte, Don Manuel Payno, and Don José Joaquin Pesado, in behalf of A. G. Sloo & Company.

Together with the gratification which he experiences in communicating to his excellency Mr. Conkling a resolution which must be acceptable to the whole civilized world, the undersigned entertains a hope that his excellency, seconding the wishes of his excellency the president of the republic, will immediately transmit it to his government, duly impressing it with the appreciation of the fact, and that his excellency will, as the best proof of his approbation, be the first to give his assent to the speedy conclusion of a treaty of neutrality, which shall hold out to all the nations of the globe advantages of immense value, and at the same time draw more closely the relations of peace and friendship which now unite the two neighboring republics.

The undersigned, therefore, has the honor to renew to his excellency the minister plenipotentiary of the United States the assurances of his distinguished consideration.

J. MIGUEL ARROYO.

His Excellency ALFRED CONKLING,
Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Mr. Arroyo to Mr. Conkling.

[Translation.]

NATIONAL PALACE, MEXICO,
February 5, 1853.

The undersigned, chief clerk in charge of the department of relations, has the honor of enclosing to his excellency Mr. Alfred Conkling copies of the decree issued by his excellency the president *ad interim* of the republic, approving the propositions for the opening of the interoceanic communication through the Isthmus of Tehuantepec, alluded to in his note of this date addressed to his excellency, and at

the same time of tendering to him renewed assurances of his very distinguished consideration.

J. MIGUEL ARROYO.

His Excellency ALFRED CONKLING,
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.

[Translation.]

DEPARTMENT OF FOREIGN RELATIONS.

His excellency the president *ad interim* of the Mexican republic has been pleased to address me the following decree:

The president *ad interim* of the Mexican United States to the inhabitants of the republic, be it known: That, considering that the opening of the Isthmus of Tehuantepec has come to be not only a commercial requirement for the whole world, but also a political necessity for the preservation of the integrity and sovereignty of our territory;

Considering that from the non-settlement of the question within the narrowest period of time, which is still left to adjust it with every element of independence and dignity, it might, perhaps, be involved and blended with political questions, and the republic herself in serious complications, which will result in detriment to all her inhabitants;

And considering, lastly, that the approval of the propositions of the mixed company, with which those of Oajaca and Garcia, and the States of Oajaca, Tabasco, and Chiapas, have been united, will not only result in great material well being to the nation, but that they will also, and in a peaceable, quiet, and honorable manner, settle the questions to which the subject has given rise, I have, in the exercise of the powers with which I find myself invested, and in pursuance of the law of the 14th of May, 1852, and of the edict published in consequence thereof on the 29th of July, deemed it proper to decree the following:

SINGLE ARTICLE: Approved, together with the modifications and explanations which appear in the act of this date, which shall be published, the propositions for the opening of the interoceanic way of communication through the Isthmus of Tehuantepec, submitted by the mixed national and foreign company, under the name of A. G. Sloo.

Wherefore, I order that the foregoing shall be printed, published, and circulated, and that it be carried into due effect.

Palace of the national government, in Mexico, on the fifth day of February, 1853.

JUAN BAUTISTA CEBALLOS,
A. D. J. MIGUEL ARROYO.

And this I communicate to you for your information, and for its consequent effects.

God and liberty, Mexico, February 5, 1853.

J. MIGUEL ARROYO.

Translation of the Sloo contract for the opening of, and communication through, the Isthmus of Tehuantepec, entered into on the one part in the name of the supreme government of the Mexican republic, by the most excellent Mr. José Miguel Arroyo, chief clerk, with the charge of decrees of the department of foreign and domestic relations, and, for the time being, entrusted with the business of said department; and on the other part by Mr. William D. Lee, empowered by Messrs. A. G. Sloo and his associates, and by Messrs. Ramon Olarte, Manuel Payno, and José Joaquin Pesado, for the Mexican partners and contractors interested in the enterprise of the interoceanic communication of Tehuantepec, and representatives of the whole company, which, under the style of Mixed Company, assumes the aforesaid opening and communication upon itself, in agreement with the companies known as those of Oajaca and of D. Felipe Garcia and associates, and with the authorized agents of the States of Chiapas, Tabasco, and Oajaca, under the following articles, to which they have agreed, the supreme government exercising the power conferred upon it by the law of the 14th of May, 1852, and of the further powers granted to it by the decree of the 11th of January last:

1. The means of communication shall be carried on by water, in the navigable part of it that may exist; and where the latter ends with the Coatzacoalcos river, there shall the roads referred to in article 2 commence.

2. The contractors bind themselves to commence a plank road at such point as the Coatzacoalcos ceases to be navigable, in the direction of the Pacific, in a year after the closing of this contract, and to complete it in three years after its commencement; to begin the construction of a railroad in a year, reckoning from the last date, and completing the same, with all the requisite machinery and trains, within the four years following, and to advise the supreme government, in both cases, of the commencement and of the completion of the work.

3. The line of direction of the road shall be such as competent engineers may lay down as the most practicable, from shortness of distance and for facility of construction, starting from the point at which, after due examination, the Coatzacoalcos ceases to be navigable.

4. The grantees shall, at their own cost, and in the new ports which the government may open at the two *termini* of the route, build such wharves and embankments as may be necessary for the communication way.

5. The government grants to the company the land required for the carriage and railroad, the wharves, embankments, storehouses, depots, stations, sheds for stages and other vehicles, and hotels for passengers; but should the lands of the public domain prove insufficient for all the aforesaid requirements, those of private individuals shall be taken for such purposes, the owners being indemnified therefor in conformity with the laws.

6. The company will be at liberty to take, without compensation, from the lands of the public domain, all materials whatsoever which may be required for the construction of the road, or of its appurtenances, and for its preservation, [repairs.]

7. Such materials may be taken from the lands of private individuals also, but the owners shall be indemnified therefor in conformity with the law.

8. During the time for which this contract shall hold, the company shall enjoy the exclusive privilege of transportation through this way of communication, and they shall, consequently, have power to collect tolls, transit and storage dues, and what other rate soever for freight on merchandise or passage fare, in conformity with the bill of rates which the government shall approve, which government shall not have the power to levy either impost or contribution of any kind, either on the transit of merchandise, or on the passengers, or on the capital invested by the company; but it does reserve to itself the right given to it by article 32 of the edict, which says to the letter: "The government binds itself not to impose any contribution or tax on the road, on the merchandise and passengers that may go upon such road, or on the capital invested therein; but it will have the power to impose an additional duty on packages and passengers, at a rate not to exceed one real, the whole proceeds thereof reverting to itself."

9. The company shall have the power to import, duty free, the materials and utensils necessary for the construction and preservation of the road, and of its appurtenances, on permission previously obtained from the government, through the channel of said government's inspector, furnished with a note of the objects which it is proposed to import. It will also have the power to import, under the aforementioned conditions, objects not procurable on the Ishmus, and which, in the way of supplies and clothing, may be required by the workmen and *peons* engaged in the works of the road.

10. The franchise granted to the company for the transportation of merchandise will be subject to such regulations as the government may make, it being understood that by such franchise the right is not granted to said company to distribute them for consumption at any point of the Isthmus.

11. The supreme government will open the seaports, and those for the coasting trade, which may be necessary for the better service of the communication road, there being, for the present, none other than the port of Vera Cruz, on the Gulf of Mexico, and that of Ventosa, on the Pacific. This latter port shall be solely used for the reciprocal transit of passengers and merchandise.

12. The privileges which the government grants shall be binding and exclusive in behalf of the company for the whole period of the duration of this contract.

13. The government will apply all its power to the prosecution, preservation, and security of the works.

14. The fulfillment of this contract to the satisfaction of the supreme government is guaranteed by a sum of $300,000, (three hundred thousand dollars,) real money, which the representatives of the company shall pay in cash, within the terms which the supreme government may provide, and, in addition, fifty thousand dollars, monthly,

until the making up of the sum total of $600,000, (six hundred thousand dollars.) The latter $300,000 (three hundred thousand dollars) shall bear interest at six per cent. per annum, since the former three hundred thousand dollars shall be delivered without any interest as a guaranty for the present contract. But both amounts, with the interest attached to the latter three hundred thousand dollars, from the date of their delivery, respectively, until the extinguishment of the capital and the interest which may accrue, shall be paid to the company through the one-half of the first proceeds to which the government may be entitled; the general treasury furnishing to said company as its security the certificates, bonds, or necessary documents for the above-mentioned sum of $600,000, (six hundred thousand dollars.) The periods stipulated in articles 14 and 15 of the edict shall be prudently extended by the government in case of shipwreck or other uncontrollable cause, the tenor of said articles being as follows:

"ART. 14. The execution of the contract to the satisfaction of the government is guarantied under a stipulated penalty, which shall not be less than two hundred thousand dollars. This amount shall be secured by the deposit of the money or specie, or by mortgages, or by securities given in conformity with law. The grantee shall incur the penalty of forfeiting the expenses incurred, the materials and implements found within the territory of the republic, and his rights under the contract, if he shall not begin and complete the carriage road, and if he shall not begin the railroad, within the stipulated periods.

"ART. 15. Upon the beginning of the work on the railroad, the deposit made by the grantee shall be returned to him, or the obligation in which the stipulated penalty may consist shall be cancelled; but if, after it will have been begun, he do not complete it within the periods assigned, he will incur the penalties above expressed, except that of the fine, and he will only have the right of being considered as a partner in the value of the rails, trains, cars, and other materials imported from abroad: *Provided*, That their original cost, with the expenses added, shall exceed two hundred thousand dollars, for if they should prove to be less he shall also incur the penalty."

15. The company binds itself to convey to any point bordering upon the road, and free from cost, such mails as are to pass over said road, receiving and delivering them in the usual forms. It shall, in like manner, transport all articles and effects belonging to the government at one-fourth of the rate of prices; it shall also convey, going and returning, without any compensation whatsoever, the officers, troops, employés, or agents of the general government or of the States. Metals and agricultural and industrial products of the republic shall be transported for twenty-five per cent. less than charged by the tariff of prices.

16. For fifty years, reckoning from the day when the tariff of rates mentioned in article 8 will have been carried into effect, the government of Mexico shall receive twenty per cent. of the net proceeds of the road. During the whole of that period all the privileges contained in this contract shall be valid and exclusive, nor shall they be altered except by mutual consent; and, at the expiration of the period mentioned, the government will go into full and absolute possession of the

road, with all its trains, (which, at the least, must be such as are necessary to convey five hundred passengers daily, and ten thousand arrobas of freight,) its utensils and appurtenances; it being understood that both these and the road are to be delivered in running and perfect condition for service; the rails, cars, engines, and utensils being required to be, at least, of average fitness for use, and not including herein the vessels and steamers. In order not to elude the delivery of the road, and all its utensils mentioned in the preceding clause, the company binds itself to deposit through the last ten years ten per cent. of the net proceeds belonging to them, which deposit shall be returned to them immediately upon the government's receiving, to its satisfaction, all the objects mentioned in said preceding clause.

17. The existence of light-houses at the two extremities of the road, and also on the reef of the Alacraves, as an additional one in the port of Acapulco, being a matter of the highest necessity for the vessels navigating in the direction of the intercommunication way; and it being equally necessary for the development of the resources of the republic and for the construction of vessels that the bar of the Goatzacoalcos, as well as the bed of said river, should, if practicable, be deepened, the company shall set aside, annually, to make those improvements, upon plans approved by the government, two and a half per cent. of the net yield of the road, until such works will have been completed. The light-houses, being once constructed, shall belong exclusively to the government.

18. The government and the company, each in its own behalf, will have the power to appoint representatives, in proportion to the interests which they may respectively exhibit, to watch over, examine and state the accounts of the road during the existence of this contract. The government, representing not more than the fifth part of the whole product, will be considered, for its representation, in the light of clause 24 of the edict, which says: "The government shall be considered as a stockholder to an amount of, at least, the third part of the whole of the shares into which the undertaking may be divided."

19. The company binds itself to the observance of the following restrictions: 1st. It shall not be lawful for the company to construct forts on the Isthmus, nor to organize military forces of any kind. It shall not afford passage to any armed force, whether national or foreign, without express authority from the government. 2d. The company shall not introduce on the lands which it may occupy, in relation to all that is said in article 5, a greater number of persons than that which shall be necessarily required for their operations in all of their branches. 3d. The company shall forthwith dismiss from its service any, whomsoever, of its employés that shall carry on, or protect, smuggling, or shall commit any other misdemeanor; and it shall afford the government every assistance in their prosecution. 4th. The company will cause every passenger to observe the revenue laws of the republic.

20. Foreigners engaging in the undertaking shall be subjected to the provisions of articles 21 and 22 of the edict, which say to the letter: "Art. 21st. Those foreigners who may take share in the mixed company, whether as stockholders, or under any other title

that should give them the right of interfering therein, of sharing in its proceeds or claiming any of its grants, shall not hold greater rights than shall the Mexicans, nor other means of enforcing them than those that are granted to the latter by the laws of the repulic. All questions of this nature, and such as may arise out of the acquisition, preservation, or loss of shares in or rights over the said road, shall be decided by the competent national courts, in conformity with the laws of the republic. The employés and officers of the company shall be subject to the same conditions. Art. 22. The person or persons who may contract for the opening of the road shall not have the right of transferring or conveying the grant without previous consent obtained from the government, or of taking in either a government, or a State as a copartner. A violation of any of those conditions will work as a nullity of the grant, and the Mexican government shall have the right of disposing of it at will, saving the shares lawfully acquired by the individual stockholders."

21. The transit across the inter-communication way shall be free to all the inhabitants of the globe; but an additional rate of twenty-five per cent. shall be laid on the merchandises of those nations which will not have entered into conventions of neutrality with Mexico.

22. So soon as the company may have been organized, an office for the issue of bonds shall be established in Mexico; another shall, likewise, be opened in London, or in any other mart of Europe, and during a period, which shall not be less than six months, one-third at least of all the shares shall be held at the disposal of such Mexican citizens as may choose to become subscribers to the stock.

23. The company shall have the privilege of transporting the foreign mails over the intercommunication way, in sealed bags; and such bags shall be sealed by the agents of the post office, or by the collectors of the several custom-houses.

24. The company shall not have the power of selling or of conveying shares to the States confederacy, in exchange for waste lands or for services of Indians.

25. The company accept, as an indispensable condition, all the articles of the edict published by the supreme government, under date of the 29th of July, of the year last past, that do not clash with or stand in contradiction to the spirit, the text, and the letter of the present contract.

NAVIGATION.

ARTICLE 1. The supreme government grants to the contractors and to their associates the exclusive privilege of navigating the Goatzacoalcos river during the whole period assigned for the existence of this contract; but all the inhabitants and owners of plantations, or of any other property situated on the banks of the river, shall have the power of importing all such articles as they may require, and exporting their agricultural or industrial products in vessels of Mexican build.

ARTICLE 2. The government releases from duties on tonnage all the steamers of the company intended for the transportation of mails and merchandise *in transitu*.

ARTICLE 3. The company binds itself to the establishment of a line of steamers, equal to the service of the intercommunication way, under the Mexican flag, in accordance with the laws of the land, to ply from Vera Cruz to such point of the Goatzacoalcos river where the railroad shall start.

ARTICLE 4. The company engages to transport, free of cost, such mail matter as may be intended for any point whatsoever of Mexico, and such as may be sent thence to the other points where its steamers may touch, receiving and delivering it in the usual form; to convey likewise all articles and effects, the property of the government, for one-fourth of the established rates; to transport, also, without any compensation, going and returning, the officers, troops, employés, and agents of the general government or of the States. The metals, the agricultural or industrial products of the republic shall be transported for twenty-five per cent. less than the established rates of prices.

ARTICLE 5. The company shall see that the steamers on the Pacific side shall continue to keep their coal depot at Acapulco, and it binds itself to an examination, as speedy as possible, of the coal beds of the State of Guerrero, in order that they may be worked under agreement with their owners, respectively.

ARTICLE 6. For due fulfilment of all that is contained and embraced in this contract, the supreme government will come to an understanding, through its agents or attorneys, with the representatives of the mixed company, mentioned in the caption of this instrument, or such as may hereafter be their successors.

J. MIGUEL ARROYO.
M. PAYNO.
W. D. LEE.
JOAQUIN PESADO.
RAMON OLARTE.

MEXICO, *February* 5, 1853.

Mr. Conkling to Mr. Arroyo.

LEGATION OF THE UNITED STATES,
Mexico, February 6, 1853.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, loses no time in replying to the note which he had the honor to receive, at a late hour last evening, from his excellency Mr. Arroyo, acting minister of foreign relations, announcing the long-delayed decision, now made by his excellency the president of the republic of Mexico, in obedience to the law enacted by the general congress on the 14th of May last, and of the *convocatoria* promulgated in pursuance thereof on the 29th of July last, having for their object the speedy construction of a transit way across the Isthmus of Tehuantepec, for the purpose of facilitating the communication between the Atlantic and Pacific oceans.

Deeply impressed as the undersigned is with the vast importance of this noble enterprise, he fully concurs with his excellency Mr. Arroyo in the opinion that this decision cannot fail to be gratifying to the

whole civilized world; and fully aware as the undersigned is of the numerous and almost insuperable difficulties which surrounded the subject, and of the patriotic and self-sacrificing spirit and the firmness and integrity of purpose with which his excellency the president has encountered and at length overcome these difficulties, the undersigned cannot doubt that his excellency the president has secured for himself the merited gratitude of his country and the applause of all commercial nations.

The undersigned will hasten to communicate to his government the decision and decree of his excellency the president; and in the meantime will be happy, in accordance with the invitation contained in his excellency Mr. Arroyo's note, and with his own instructions to receive from this government any overtures likely to result, as the undersigned earnestly hopes they may, in a treaty suited to the exigencies of the case and adapted to secure the happy fruits so eloquently described by his excellency Mr. Arroyo.

The undersigned also has the honor to acknowledge the receipt, this morning, of the note of his excellency Mr. Arroyo, enclosing printed copies of the decree in question.

The undersigned has great satisfaction in renewing to his excellency Mr. Arroyo the assurances of his high respect and distinguished consideration.

ALFRED CONKLING.

His Excellency J. MIGUEL ARROYO,
Acting Minister of Relations.

Mr. Conkling to Mr. Everett.

[Extract.]

No. 23.] LEGATION OF THE UNITED STATES,
Mexico, February 22, 1853.

SIR: * * * * * *

Last evening I received from the acting minister of relations a note, of which I have the honor to enclose a copy, marked A, and to which I this morning returned an answer, of which I transmit a copy, also marked A.

I earnestly hope, and with considerable confidence trust, that in the line of conduct I have deemed it to be my duty to adopt relative to the projected transit way across the Isthmus Tehuantepec, I have not had the misfortune to contravene the sentiments of my government, nor to appear to you to have assumed an undue degree of responsibility.

The considerations by which I have been governed will have been already sufficiently indicated in my former despatches, and I will only add that if I have erred it has not been for want of deliberate and mature reflection, or of an anxious desire to discern and follow the path of duty.

The prospect of being able to conclude a favorable treaty continues

to be propitious; and, with respect to the propriety of adopting the policy I have taken the liberty in my former despatches to recommend, of fully empowering me at once, under such additional instructions as may be thought necessary, to act in the premises, I may be permitted to mention the fact, in addition to the considerations I have already had the honor to suggest, that I am informed, directly and indirectly, of an earnest wish on the part of the Mexican government, that the negotiation may be consummated before my departure from the country.

* * * * * *

I have the honor to be, very respectfully, sir, your obedient servant,

ALFRED CONKLING.

Hon. EDWARD EVERETT,
Secretary of State.

Mr. Arroyo to Mr. Conkling.

NATIONAL PALACE, MEXICO,
February 21, 1853.

The undersigned, chief clerk of the department of relations, seasonably received the note which his excellency Mr. Alfred Conkling, envoy extraordinary and minister plenipotentiary of the United States of America, did him the honor of addressing him on the 6th instant, in which, in answer to the note of this department of the day preceding, in relation to the decree issued, and the contract signed for the opening of an intercommunication way through the Isthmus of Tehuantepec, his excellency stated that, in pursuance with the instructions which he holds, and upon the invitation of the undersigned, he would take pleasure in proceeding to a negotiation for the arrangement of a treaty, guaranteeing the neutrality of the right of transit across said road, and securing the fruitful results which it is bound to yield to the world.

The undersigned has brought said note to the knowledge of his excellency the trustee-general of the supreme executive power, and his excellency, anxious to attain so laudable an end, and to promote, to the extent of his ability, whatever may contribute to confirm the friendly relations which exist between Mexico and the United States, and place them on a solid and lasting footing, such as considerations of expediency and reciprocal benefits, has appointed their excellencies General D. José Maria Fornel and D. Joaquin Maria de Castillo y Lanzas, plenipotentiaries of the republic, to proceed in the negotiation with Mr. Conkling of the treaty to which reference has been made.

The undersigned flatters himself that his excellency will consider this measure as a new proof of the friendly sentiments which actuate Mexico in regard of the United States, and that, with the acknowledgment of the like sentiments on his part, his excellency will take pleasure in carrying to a successful close a negotiation as philanthropic

in its objects as it must be important in its results to both countries in view of the advantages which it is to secure for them.

The undersigned has the honor of tendering to his excellency renewed assurances of his distinguished consideration.

J. MIGUEL ARROYO.

His Excellency ALFRED CONKLING,
Envoy Extraordinary and Minister Plenipotentiary,
of the United States of America.

Mr. Conkling to Mr. Arroyo.

LEGATION OF THE UNITED STATES,
Mexico, February 22, 1853.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, hastens to acknowledge the receipt last evening of the note of his excellency Mr. Arroyo, communicating to the undersigned the information that his excellency General Lombardine, depositary of the supreme executive power of the Mexican republic, had been pleased to appoint two highly distinguished citizens, viz: D. José Maria Fornel, general of division, and D. Joaquin Maria de Castillo y Lanzas, plenipotentiaries of the republic to negotiate with the undersigned a treaty relative to the projected transit way across the Isthmus of Tehuantepec.

The undersigned has the honor to repeat to his excellency Mr. Arroyo the assurance contained in his former note referred to by Mr. Arroyo of his readiness to enter at once upon the proposed negotiation; and, to that end, the undersigned will be glad to receive from the gentlemen above named, as soon as may be agreeable to them, propositions for a treaty such as Mr. Arroyo has described, and which shall be best adapted, by means of well-devised guarantees on the part of the two republics, not only to secure the speedy and proper completion and beneficial use of the noble work in contemplation, but which, by drawing Mexico and the United States into more intimate association, shall have the happy effect also of augmenting and perpetuating their mutual good-will and promoting their prosperity and happiness.

The undersigned avails himself with pleasure of this opportunity to offer to Mr. Arroyo the renewed assurance of his high consideratian.

ALFRED CONKLING.

His Excellency J. MIGUEL ARROYO,
Acting Minister of Relations.

Mr. Hargous to Mr. Marcy.

NEW YORK, *May* 7, 1853.

SIR: You will probably have been informed, by papers in your department, of my connexion with the grant of the Mexican government

to Garay, for the construction of an interoceanic communication across the Isthmus of Tehuantepec. This connexion began in February, 1849, as you will see by a petition of mine to the Senate, in which I prayed Congress not to commit themselves irrevocably to any other route, in authorizing contracts for carrying the mail to California. My petition undoubtedly attracted the notice of Mr. De la Rosa, the vigilant and astute Mexican minister, at Washington, who must have informed his government of it, and warned them of the supposed danger of allowing United States citizens to become the proprietors of the grant. That these warnings alarmed the Mexican government, and led to a resolution on their part to nullify the grant, was soon confirmed by my correspondents at Mexico. I lost no time in making this known to Mr. Clayton, then Secretary of State, who addressed an instruction on the subject to Mr. Clifford, then our minister at Mexico, directing him to inform that government that ours would hold them accountable for any unjust discriminations against United States citizens, who might be holders of the Garay grant. When Mr. Letcher succeeded Mr. Clifford, he was instructed to make a treaty with the Mexican government upon the subject of Tehuantepec. He was also officially instructed to apply for passports for the engineers who had been employed by the American proprietors to survey the route, and the passports were granted. Mr. Letcher concluded a treaty upon the subject. By one of it articles, however, it was stipulated that it should not be submitted either to our Senate or to the Mexican congress without the consent of the proprietor of the grant. As some of the articles seemed to me ambiguous, I could not conscientiously give this consent, and so informed Mr. Webster, then Secretary of State. The treaty was consequently sent back to Mexico for amendment, but few of those deemed by me necessary were made. In its amended form, however, I consented to its presentation to our Senate, whose sanction it received, and was ratified by President Fillmore. Soon after the amended treaty was concluded, Mr. Letcher returned home on leave of absence. He had scarcely left the city of Mexico when a bill was brought into the Mexican congress proposing a repeal of the Garay grant, on the ground that Salas, who succeeded Paredes as temporary president of Mexico, transcended his authority in prolonging the time for the commencement of the works on the Isthmus under the grant. I have no legal proof of the fact, but from my knowledge of Mexican affairs, and from the tenor of the letters of my correspondents, copies of which are on file in your department, I am morally certain that this measure was originated and consummated principally through the influence of the British minister at Mexico. The Mexican congress having thus repealed the Garay grant, the treaty of that government with ours for the protection of Americans interested in that grant of course fell to the ground.

Besides the foreign influences brought to bear against that grant, I am sorry to say that there were several combinations of our own citizens also, as will appear by Mr. Letcher's communication to Mr. Webster, under date the 14th December, 1851. This is made a high misdemeanor by act of Congress, and one of the offenders was indicted at Washington, and probably would have been convicted if

President Arista had not refused to give up the original of a letter which he had addressed to him on the subject.

Independently of the grant, I have already expended over a quarter of a million of dollars out of a limited private fortune. I have made this expenditure in consequence of assurances from my government that it would protect my rights and interests.

Mr. A. G. Sloo, however, has obtained a new contract from the Mexican government, and, as I am informed, Mr. Conkling, the United States minister at Mexico, has made a treaty with that government, recognizing that contract, and guaranteeing the neutrality of the Isthmus. Notwithstanding all this, I hope that I may still rely with confidence enough upon the protection of my government to feel assured that the treaty referred to will not be accepted by the President, especially if it be true that our minister had neither authority nor instructions to conclude it.

An answer upon this point, as prompt as your convenience will allow, will greatly oblige your obedient, humble servant,

P. A. HARGOUS.

Hon. W. L. MARCY,
Secretary of State, Washington.

Mr. Conkling to Mr. Marcy.

[Extract.]

LEGATION OF THE UNITED STATES,
Mexico, May 14, 1853.

By the steamer Texas, which arrived at Vera Cruz on the 3d instant, news was received of the failure of Mr. Sloo to pay the bills drawn by his agent here in favor of the bankers who advanced the money due to the Mexican government under its grant and contract for the construction of a transit way across the Isthmus of Tehuantepec. It is out of my power adequately to describe the surprise and chagrin occasioned here by these evil tidings. Nothing could have been more unexpected or unaccountable. The news was brought from Vera Cruz by an express in advance of the mail. The letters received by the latter gave information of Mr. Sloo's inability to raise the funds requisite to meet his engagements, but they shed little light upon the cause of his ill success. * * * Hopes are still entertained that this unfortunate delinquency will be repaired; but as the grant has been hypothecated to the bankers as the only condition on which they would consent to advance their money, as they are men of ample means, * * * The great enterprise in question, already begun, will doubtless be communicated, in conjunction, however, with American citizens, and by the aid of a liberal supply of American on their foreign capital.

I have the honor to be, with great respect, sir, your obedient servant,

ALFRED CONKLING.

Hon. WILLIAM L. MARCY,
Secretary of State, Washington.

Mr. Marcy to Mr. Gadsden.

[Extract.]

No. 3.] DEPARTMENT OF STATE,
Washington, July 15, 1853.

SIR: * * * * * * *

During the last administration, this government interested itself in behalf of the assignees of a grant made by Mexico of the right of way from the Atlantic to the Pacific across the Isthmus of Tehuantepec. The privileges of the original grantee had passed, by assignment, to citizens of the United States. A deep interest was felt by our people generally in the object of this grant, and our government interposed to give it effect. It has urged Mexico to respect the rights of the present proprietors of the grant, but she has denied the validity of that grant, and by a formal decree of her legislature declared it null and void. There is in the archives of the legation an extensive correspondence on the subject, which will enable you, should it come up for your consideration, to understand the condition of that question. It is not proposed to instruct you at this time to resume this negotiation. Should the President hereafter conclude to do so, his views will be fully made known to you.

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W. L. MARCY.

JAMES GADSDEN, Esq., *&c.*

Mr. Gadsden to Mr. Marcy.

[Extract.]

LEGATION OF THE UNITED STATES,
Mexico, April 5, 1856.

* * * * * * * * *

I now enclose a communication from the attorney of Peter A. Hargous, esq., claiming to be a native of Pennsylvania and a citizen of the United States, invoking the interposition of this legation to an attempted renewed controversy, for rights and immunities withheld, on the ever-belligerent Tehuantepec transit.

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JAMES GADSDEN.

Hon. WM. L. MARCY,
Secretary of State.

Mr. Bellangé to Mr. Gadsden.

MEXICO, *March* 31, 1856.

SIR: In the name of Mr. Peter A. Hargous, a native of Pennsylvania and a citizen of the United States, whose power of attorney has been intrusted to me, I take the liberty of informing you of the following facts, in consequence of which I am obliged to ask your protection to obtain justice from the Mexican government.

On the 5th of February, 1853, the Mexican government granted to Messrs Payno, Pesado, and Olarte, representatives of a company composed of Mexican and American citizens, a privilege for opening a way of communication by the Isthmus of Tehuantepec. By the 14th article of the above-mentioned privilege, the grantees were bound to deliver into the Mexican treasury an amount of $600,000; but having no funds, they applied to Mr. F. de P. Falconnet, a British subject, to lend the amount required, offering in payment thereof bills drawn by a Mr. W. D Lee on A. G. Sloo, of the United States. Mr. F. de P. Falconnet accepted the proposal, under condition that Messrs. Payno, Olarte, and Pesado should obtain from the Mexican government a full authorization to pledge the privilege obtained as a warranty of the payment of the bills drawn on the United States to the amount of $600,000. The Mexican government consented to give the authorization, and the deed by which the privilege was given as a pledge in case the bills should not be paid was duly drawn up on the 10th of February, 1853. The 2d article of the deed above mentioned, and approved by the Mexican government, authorized Mr. F. de P. Falconnet, in case the bills drawn on the United States should not be paid, to dispose of the privilege in his favor, or in favor of any one else he thought proper, without the intervention of any judiciary authority. In consequence of the arrangements entered into by the parties interested in the business, the $600,000 were delivered by Mr. F. de P. Falconnet into the Mexican treasury, and he holds the receipts of the treasurer. The bills drawn by W. D. Lee on A. G. Sloo were sent by Mr. F. de P. Falconnet to the United States, and were not accepted when presented nor paid when due.

I have thought proper to enter into all these details, although I suppose that they must be known to you, merely for the sake of recalling to your memory all the facts relative to this business, and shall proceed to inform you of what happened in consequence.

By a note dated the 2d June, 1853, Mr. Falconnet informed the Mexican government that the bills drawn by W. D. Lee on A. G. Sloo were neither accepted nor paid, and asked to be recognized as the owner of the privilege in compliance with the 2d article of the deed of pledge drawn up on the 10th of February, 1853. The Mexican government gave no answer to this note, or to the others which were subsequently sent by Mr. F. de P. Falconnet.

When Mr. F. de P. Falconnet agreed to lend the $600,000 he had no other object in view than an exchange business between Mexico and the United States, and never thought of fulfilling the engagements entered into by the grantees of the privilege to open a way of communication by the Isthmus of Tehuantepec. He therefore looked out in

the United States for a capitalist of high standing and sufficient influence to form a company able to repay the $600,000 advanced by him, and to execute the engagements entered into with the Mexican government by Messrs. Payno, Olarte, and Pesado, in the name of a company which never existed, at least as far as capital is concerned.

In consequence, Mr. F. de P. Falconnet entered, on the 16th of April, 1855, into an agreement with Mr. P. A. Hargous, of New York, and made him a formal cession of the privilege. The Mexican government was informed of this circumstance on the 8th of August, 1855, and requested to recognize the legal cession made by Mr. F. de P. Falconnet to Mr. P. A. Hargous.

On the 26th of November, 1855, Mr. F. de P. Falconnet received at last from the Mexican government an answer to the various notes which he had presented. In said answer it is stated that his excellency General Alvarez, president of the Mexican republic, has decided, in a council of ministers held on the 26th of November last, that Mr. F. de P. Falconnet is recognized as sole owner of the privilege in execution of the 2d article of the deed of pledge consented and authorized by the Mexican government, and signed on the 10th of February, 1853, by Mr. F. de P. Falconnet, and Messrs. Payno, Olarte. and Pesado recognized by the government as sole and lawful agents of the company they represented, and that the cession made by Mr. Falconnet to Mr. P. A. Hargous is not recognized, without stating on what motives this last decision is founded.

Since then all the efforts made by Mr. Falconnet, or his agents, and by me, to obtain from the Mexican government the approval of the legal cession of his rights made by Mr. F. de P. Falconnet to Mr. P. A. Hargous have been without any success. Being convinced that it is useless to wait any longer for a favorable decision from the Mexican government, I take the liberty to request you to grant to Mr. P. A. Hargous the protection due him as a citizen of the United States. This appears to me the only course to be followed in this business; the more so as I have been informed, from good authority, that Messrs. Payno, Olarte, and Pesado have, in the name of this imaginary company, applied to government to obtain the entrance to the Goatzacoalcos of an agent sent from the United States to begin a plank road over the Isthmus of Tehuantepec, although all the rights of said company have been forfeited, to all intents and purposes, by the non-execution of the engagements contracted by them with the Mexican government and Mr. F. de P. Falconnet, and although said forfeiture has been declared and corroborated by the decision of the Mexican government of the 26th of November last.

I do not doubt that, informed of the circumstances of the case submitted to you, you will take such measures as will protect, in an effective way, the rights acquired by Mr. P. A. Hargous, and insure his acknowledgment by the Mexican government as owner of the privilege.

I shall feel highly favored by an answer to the present note, and, meanwhile, I remain, sir, your obedient servant,

ALEX. BELLANGÉ.

General JAMES GADSDEN,
Minister Plenipotentiary of the United States.

Mr. Hargous to Mr. Marcy.

WASHINGTON, *April* 21, 1856.

DEAR SIR: You will probably recollect that in an interview which I had the honor to have with you not long since, I stated that the grant for a right of way across the Isthmus of Tehuantepec, commonly called the Sloo grant, had been forfeited to Mr. F. de P. Falconnet, a British subject. This forfeiture took place pursuant to the consent and with the authority of the Mexican government. It was occasioned by a pledge which was made of the grant to secure Mr. Falconnet the reimbursement of $600,000 (say six hundred thousand dollars) which he had advanced to that government in behalf of the Sloo company, and which has never been paid, even in part, by that company. In order to secure this great privilege to citizens of the United States, I obtained an assignment of it from Mr. Falconnet, subject to the approval of the Mexican government, but this approval has heretofore been withheld, despite repeated applications. I have every reason to believe that Mr. Gadsden, United States minister to Mexico, has been well aware of the circumstances which I have mentioned, and of all the antecedents respecting this business. Notwithstanding this, however, I have reason to apprehend that the hesitation of the Mexican government in granting my request has been occasioned either by his lukewarmness or by his opposition to me. That I have cause to believe he must have been actuated by the feeling last mentioned, would seem to be shown by the fact that he has addressed representations to the Mexican government in behalf of the Sloo company. I cannot believe that, in this proceeding, Mr. Gadsden has acted either under the instructions or sanction of my government. You will at once see, however, how important it is for me to be relieved from any doubt upon this point; I will consequently thank you to address an answer to me at your earliest convenience.

I have received through the agents of Mr. Falconnet, in Mexico, a copy of the note of Mr. Gadsden to Mr. De la Rosa, the minister for foreign affairs of Mexico, which I inclose for your information, in case the copy which Mr. Gadsden himself will undoubtedly have forwarded to your department should not, by some accident, have reached there.

It will, of course, be obvious to you that as all the rights of the citizens of the United States in the Sloo grant were extinguished by its transfer to Mr. Falconnet, who is a British subject, it must remain in possession of the latter until his transfer to me shall be approved by the Mexican government. It is unquestionably, I should suppose, the policy and the interest of our government that citizens of the United States and not British subjects should have exclusive control of the privilege referred to. If, therefore, the Mexican government shall be countenanced in much longer delaying my request, the danger to the policy and interests to which I have adverted will be subjected is submitted to your wise consideration.

I would have called on you at the department with this communication, but I am suddenly summoned to New York to attend to important private business there. This, however, enables me to avoid

engrossing any of your valuable time in conversation on the subject, at present.

I have the honor to be, with great regard, your most obedient servant,

P. A. HARGOUS.

Hon. W. L. MARCY,
Secretary of State, Washington, D. C.

Mr. Marcy to Mr. Forsyth.

[Extract]

No. 2.] DEPARTMENT OF STATE,
Washington, August 16, 1856.

SIR: * * * * * * * *

You are already aware that disputes have arisen among our citizens in regard to the ownership of a grant made by the Mexican government for a right of way across Mexico, called the Tehuantepec route. This is not, strictly speaking, an international matter. You will, however, take occasion to make known to Mexico the deep interest felt by the government and people of the United States in the success and early completion of the enterprise now on foot for opening a passage from the Gulf of Mexico to the Pacific ocean by Tehuantepec, and that it is very much desired that the Mexican government should exert all the legitimate power it has to remove the obstacles which lie in the way of giving effect to that grant. There is no doubt that the establishment of that thoroughfare would be advantageous to both countries in a commercial point of view, and strengthen the ties of friendship between them.

I am, sir, your obedient servant,

W. L. MARCY.

JOHN FORSYTH, Esq.,
&c., &c., &c.

Mr. Forsyth to Mr. Marcy.

No. 8.] LEGATION OF THE UNITED STATES,
Mexico, November 15, 1856.

SIR: I have the honor to transmit herewith, and at his request, a communication from A. Bellangé, esq., the representative of Mr. P. A. Hargous, on the subject of the Tehuantepec grant.

As I came to Mexico with the determination that this legation, while under my charge, should not be made use of as an attorney's office for either of the rival American claimants for the privileges of this transit, and to take sides with neither in a dispute which, it appeared to me, was one that belonged to the courts of this country to adjudicate, unless I had the positive instructions of my government

to the contrary, I have no remarks to make on this communication, except that he does not give the precise version of my reply to him when he called upon me as the American minister to espouse the cause of his client, and to throw my official influence against that of the Sloo or Mixed Company.

My answer was very frankly given that I did not deem it a question for my official intervention; that it was a judicial question; that the rival party had as much right as Mr. Hargous to demand my services in their behalf; and that certainly they would have just and grave cause of complaint if I, equally the representative of both, should take sides against them. I added that in fortunate concurrence with my own views of propriety were the instructions of my government on the point, which I read to him.

It is for the department to determine whether I am to act under a different view of duty. So far I have seen no cause to believe that it is an erroneous one, and I hope the department will not alter its instructions until I have been here long enough to ascertain the feelings of the Mexican government on the subject.

I am, very respectfully, your obedient servant,

JOHN FORSYTH.

Hon. W. L. MARCY,
&c., &c., &c.

Mr. Bellangé to Mr. Forsyth.

MEXICO, *November* 12, 1856.

SIR: On the 29th of last month I had the honor to address you a note, asking the protection of the government of the United States in favor of Mr. P. A. Hargous, an American citizen, and remitted to you all the documents relative to the business for which I claimed said protection.

In an interview which I had with you subsequently, my note was verbally answered by your stating that, according to the instructions of your government relative to the Tehuantepec question, it was not in your power to grant the protection asked for, and that, unless new instructions should be received, you could not protect the interests of Mr. P. A. Hargous in an efficacious way.

The documents which I have had the honor to submit to your perusal will have informed you of the real state of the case, and will have enabled you to form an opinion respecting the side where mere honesty and equity ought to call the protection of the government of the United States. It would, therefore, be useless to relate again all the antecedents and observations which have made the subject of the note which I addressed to General James Gadsden, then minister plenipotentiary of the United States, on the 31st of March last, and which has met with so little attention on his part, at a time when a few officious words from him might have finally settled the question to the entire satisfaction of the American and Mexican governments, and of all parties *seriously* interested in the matter; however, I consider it to

be my duty, in the defence of the interest which has been trusted to me, to lay before you such arguments as may favor Mr. P. A. Hargous, and may incline the government of the United States to alter their views upon the Tehuantepec question.

The facts which are established, beyond any doubt, by the numerous documents which I have submitted to you, are the following:

1. That an imaginary company, composed of American and Mexican citizens, without a cent of capital, obtained from the Mexican government a privilege to open a way of communication through the Isthmus of Tehuantepec.

2. That to obtain said privilege they agreed to pay into the Mexican treasury $600,000.

3. That having no money they borrowed it from Mr. F. de P. Falconnet, a British subject, to whom the privilege was pledged, with the authorization of the Mexican government, under the conditions that he might dispose of it in any way he chose, without the intervention of any judicial authority, in case the bills, which were given him on the United States, in payment of the $600,000 delivered by him into the Mexican treasury, should not be paid.

4. That the bills were not paid, and that in consequence, at the request of Mr. F. de P. Falconnet, said gentleman was declared by the Mexican government to be the rightful owner of the privilege.

5. That Mr. F. de P. Falconnet, with a view to recover his money, made a cession of his privilege to Mr. P. A. Hargous, that said cession has not yet been approved by the Mexican government, who has sent the matter before a commission, which has not yet given any decision.

6. That the company which originally obtained the privilege has lost all right to said privilege, because they have not repaid the $600,000, because they have not complied with the 5th article of the secret conditions, which imposed upon them the obligation to indemnify the owner of the Garay grant, and because said privilege has legally passed into the hands of Mr. F. de P. Falconnet.

7. That, therefore, the pretended company organized at New Orleans, under the name of the Tehuantepec Company, has no right whatsoever to the privilege granted by the Mexican government, and that the people now employed by said company on the Isthmus may be, in perfect justice, turned out by the Mexican authorities whenever they may think proper to do so.

These facts, which are clearly established by the documents which have been put into your hands, show the real state of the case, and will convince you that, if the intrigues which have for the last three years deceived the American and Mexican governments in their hopes to see "the communications opened," are allowed to continue by the tacit protection of both governments, it is to be expected that, sooner or later, such a state of things may occasion serious difficulties between both nations. These difficulties may be easily avoided now, if the government of the United States consents to give its protection to Mr. P. A. Hargous, and cause its influence with the Mexican government to obtain the acknowledgment of the cession made by F. de P. Falconnet to P. A. Hargous.

If both governments sincerely wish to come to a final settlement of this question, the principal point is to establish the legal possession of the privileges, in order that men of capital and enterprise may find all the necessary security for the large sums which are required for the execution of so large an undertaking. Until so important a point is decided no serious capital will be found for the enterprise in view, and business jobbers are not the men to fulfil the conditions stipulated in the grant.

The object mentioned would undoubtedly be obtained if the government of the United States would insist on the acknowledgment, by the Mexican government, of the cession made by F. de P. Falconnet to P. A. Hargous. The question might thus be finally settled and procure the following results:

1. The question would be adjusted according to the invariable principles of justice and equity, and thus in an honorable way for both governments.

2. Mr. F. de P. Falconnet would be put out of the question by furnishing him with the means to recover his $600,000, with the interest and damages.

3. The execution of the enterprise of opening the way of communication would be realized by giving entire security to the American capital employed in the business.

4. The claim of Mr. J. de Garay would be adjusted by due compliance with the secret articles of the grant.

5. A complete satisfaction would be given to the government of the United States, who desire to see a shorter way of communication with California opened through more healthy climates.

These are the positive advantages which may be obtained by a change in the policy of the government of the United States respecting a question which has remained pending ever since 1848; and I hope that you will lay the present note in favor of the interest which I represent before your government, and support the solution therein recommended as the most favorable to a final adjustment, in view of the interests of both governments.

I have the honor to be, sir, your obedient servant,

ALEX. BELLANGÉ.

JOHN FORSYTH, Esq.,
Minister Plenipotentiary and
Envoy Extraordinary of the United States.

Mr. Cass to Mr. Forsyth.

No. 27.] DEPARTMENT OF STATE,
Washington, July 17, 1857.

SIR: The value and importance to Mexico of a railroad across the Isthmus of Tehuantepec can scarcely be overestimated. In this the United States are also deeply interested. The proximity of the Isthmus to our shores, the salubrity of the climate, the adaptedness of the ground for the construction of a railroad, and the great diminu-

tion of distance in comparison with other more southern routes between our Atlantic and Pacific possessions, all conspire to point it out as far preferable to any other route outside of our own territory.

Under our treaty with the republic of Mexico, of December 30, 1853, the United States have acquired a right of transit across the Isthmus which they will never, under any circumstances, abandon. This may be sufficient for all practical purposes, yet it is desirable that the provisions of that treaty should be confirmed, extended, and rendered more specific. It is, therefore, now proposed to enter into a new treaty for this purpose.

But of what value will this right be to either the one or the other republic, unless effectual measures should be adopted for the construction of a railroad between the two oceans. Already much precious time has been lost by the conflicting grants made for this purpose by Mexico. But for these, this great work would have been in successful operation ere the present day. The period has now arrived when there should be no longer any delay in commencing, prosecuting, and completing an undertaking in which not merely Mexico but all commercial nations are so deeply interested. These conflicting grants are two in number, and have usually been denominated the Garay grant and the Sloo grant. On each of these I shall make a few observations.

On the 1st of March, 1842, the Mexican government granted to Don José de Garay the privilege of opening a line of communication, "by water, except where it is impracticable, when railroads and steam carriages shall be used, between the Pacific and Atlantic oceans, through the Isthmus of Tehuantepec." And this passage, when opened, is, in an enlightened spirit, declared to be "neutral and common to all nations at peace with the Mexican republic." In order to enable Mr. Garay to accomplish the undertaking, there was granted to him in fee simple "all the unoccupied lands (belonging to the government) for a distance of ten leagues on either side of the line of communication;" and it was further stipulated that "all foreigners are permitted to acquire real property, and to exercise any trade or calling, not even excepting that of mining, within the distance of fifty leagues on either side of the line of transit."

In consideration of these concessions Garay was "to give to the government, from the time that the line of communication shall be opened for the transport of effects, a fourth part of the net profits of the receipts for this purpose, deducting the expenses of administration, preservation, and repair thereof."

No taxes or imposts were to be laid upon articles passing in transit between ocean and ocean.

This was a liberal concession to Garay, and had it not been annulled by the Mexican Congress, there can be no doubt that ere this a communication would have existed by steamboat and railroad across the Isthmus.

The limitation of time contained in this concession for the commencement of the work was extended from 1st July, 1844, until the 1st July, 1845, when it expired, and under the express terms of the concession, "in case this should not be performed (the commencement

of the work) within the time specified, the exclusive privilege hereby conceded to him (Garay) shall cease."

More than sixteen months after this limitation had expired, that is to say, on the 5th November, 1846, General Don José Mariano de Salas, at the time exercising supreme executive power, having previously attacked and subverted the government of Paredes by military force, issued a decree extending to Garay the term for the commencement of the work, "for two years more, to be reckoned from the date of the publication of this decree." Of course, the period of this extension expired on the 5th November, 1848, though the holders of the Garay concession allege that they had commenced the work before this date, and consequently saved the forfeiture of the grant. However this may be, the Mexican congress passed a decree on the 23d May, 1851, declaring that "the decree of the 5th November, 1846, is declared null and insubsistent, as the powers with which the provisional government of that period were invested were insufficient to dictate it."

It is not my purpose to discuss the question whether the Mexican congress had the right to annul this decree of Salas, or whether the assignees of the Garay grant had used due diligence in commencing the work. The former question you will find fully discussed among the archives of your legation.

It is certain that this decree of the Mexican congress was passed after a treaty upon the basis of the Garay grant, signed by the plenipotentiaries of the two governments, had been submitted to the Senate of the United States, and had been unanimously approved and ratified by that body, with some amendments, and returned to Mexico. This treaty was, notwithstanding, rejected by Mexico, and the Garay grant was annulled. This brings us to take some notice of the Sloo grant.

The congress of Mexico, on the 14th May, 1852, passed a law inviting proposals for opening the interoceanic communication across the Isthmus of Tehuantepec.

In pursuance thereof, on the 5th February, 1853, Cevallos, president *ad interim*, in conformity with the law of the 14th May, 1852, and the decree calling for proposals, published in consequence thereof on the 29th July, 1852, accepted the proposals which had been "submitted by the Mixed National and Foreign Company, under the name of A. G. Sloo," "for the opening of interoceanic communication through the Isthmus of Tehuantepec." On the same day (5th February, 1853) a contract was entered into and signed between the parties, a copy of which is herewith transmitted.

By the 14th clause of this contract it was stipulated that A. G. Sloo & Co., as a guaranty on their part for its fulfilment, should deposit in the Mexican treasury the sum of $600,000, of which $300,000 were to be deposited immediately, and the remainder in monthly instalments of $50,000 each. Sloo & Co. being unable to comply with this stipulation, on the 7th and 10th February, 1853, an agreement was entered into, with the license and full approbation of the Mexican government, under which Francisco de Palezieux Falconnet, a British subject, resident in Mexico, was to advance the above

sum of $600,000 to the Mexican treasury, and accept bills of exchange, payable to his order for the same, drawn by William D. Lee on the house of A. G. Sloo, of New Orleans. In case of failure of payment, for whatever causes, the grant or concession from the Mexican government was pledged and mortgaged for this sum to Mr. Falconnot, with power for him to proceed in a summary and extra-judicial manner and sell the concession "to the highest bidder who may offer, without any judicial formality, or to adjudicate it to himself, if he chooses, without these appearers or their representatives having any right of opposition or making any reclamation, since now, in anticipation of that case, they confer upon him the most full, irrevocable, and efficacious power that can be required in law, with all the amplitude that may be legally sufficient," &c., &c.

The bills were protested, and have never been paid. Mr. Falconnet, on the 2d June, 1853, addressed the Mexican government requesting them to acknowledge him as the rightful owner of the concession, but received no answer. It is stated in a note of Mr. Lettsom, chargé d'affaires of her Britannic Majesty, to Don Lous de la Rosa, Mexican minister for foreign affairs, under date of 22d April, 1856, "6th. That Mr. Falconnet, with a view of recovering his money, subsequently made a legal cession of his privilege to Mr. Hargous, of New York; that Mr. Falconnet, through his agents, on the 8th August, 1855, informed the Mexican government of the cession being thus made; but that to this communication the Mexican government returned no answer; and that on the 5th November, 1855, Mr. Falconnet's agents again addressed the Mexican government, requesting answers to their letters of 2d June, 1853, and of the 25th February, 8th August, and 5th November, 1855."

"7th. That no answers were given to any of these communications until the 26th November, 1855, when Mr. Falconnet was informed by the minister of public works that that gentleman had been acknowledged by the Mexican government as the owner of the privilege; but that the cession of it by him to Mr. Hargous was not recognized." This information was given in a letter of this date from the minister to Messrs. Letcher, Torre & Co., the agents of Mr. Falconnet, in answer to the letters above-mentioned, recognizing Mr. Falconnet to be "the possessor of the grant in question, according to the above mentioned contract of the 10th February, but not as regards the transfer which he has made of his right to Mr. Peter Amedee Hargous, as stated by you in your last mentioned communication." In the note of 22d April, 1856, above referred to, Mr. Lettson insists, on behalf of Mr. Falconnet, as a British subject, that the concession made by him to Mr. Hargous should be recognized as the means of recovering his $600,000, and "that the time granted by the second article of the privilege should be reckoned naturally, only from the day (26 November, 1855) on which Mr. Falconnet's numerous applications to the Mexican government were answered," (26 November, 1855.) This sum has never been refunded to Falconnet, although without his money the contract could not have been obtained. It does not even appear that any attempt has been made to refund it to this innocent party, who had no interest in the transaction. So far from this, it may

be fairly inferred from the 9th article of the charter of incorporation under the law of Louisiana of the Tehuantepec Company, "founded on the Sloo grant," that no intention exists of refunding this money, until the amount shall be received by the company from the profits of the road. Mr. Falconnet, therefore, with strong apparent reason, now claims to be the owner of the Sloo concession, under the recognition of the Mexican government, which, however, has withheld from him the right of transferring it to Mr. Hargous.

In any event it would appear that, whether the transaction be a mortgage or an absolute title, neither Mr. Sloo nor the Tehuantepec Company can, until they shall first refund the amount paid to Mr. Falconnet to the Mexican government, with interest and damages, deprive Mr. Falconnet of his interest in the concession.

On the 21st of June, 1853, and notwithstanding the default in the payment of the bills drawn on A. G Sloo, he and his partners incorporated themselves by the name of "the Tehuantepec Company," under a law of the State of Louisiana, passed in 1852.

The second clause of the contract with the Mexican government of the 5th of February, 1853, required the contractors "to commence a plank road at the point at which the river Coatzacoalcos ceases to be navigable, in the year that this contract has been made, and to finish it in three years after having commenced it. To begin the construction of a railroad in one year, counting from this last date, and to finish said railroad, with all the necessary cars and engines, within the four following years, notifying the supreme government in both cases of having commenced the works, and of their being finished."

By the 14th article it is provided, that "the contractor shall incur the penalty of losing the expenditure already made, the materials and tools collected together in the territory of the republic, *and the rights conceded to him by the contract, if he does not commence and finish the wheel road, and if he does not commence the railroad within the stipulated time.*"

The Mexican government acted wisely in requiring the construction of a plank road in anticipation of the completion of the railroad. This could have been speedily constructed through the Isthmus from the nature of the ground and the quantity of timber which it supplies; and the commercial world, as well as the republic of Mexico, would have derived great benefits from this road. They could then have waited for the construction of a perfect and permanent railroad.

The Tehuantepec Company have violated their engagement, and forfeited the contract under which they act, by not having, even until this day, commenced the construction of the plank road. They have never laid a plank upon the route, and probably never intended to do this. In their charter under the Louisiana law, (2d article,) they say nothing about the plank road, and simply declare that the "corporation is established for the purpose of constructing a carriage road," &c.

It is, however, alleged by the company that they have constructed a carriage (not a plank) road across the Isthmus, and "the through transit was effected on the 4th February, (last,) being one day within the limit prescribed by the original grant." Even if this were suffi-

cient, which it clearly is not, according to the address of the president and directors of the Tehuantepec Company, dated at New Orleans on the 9th of May last, it is not expected by them that the carriage road can be made available for traffic and travel before the 1st of October next.

But it is alleged that the Mexican government have accepted what the company have done as a fulfilment of the original contract, and have waived the construction of the plank road. I have seen no sufficient evidence of this fact; but even if it were well founded, this could not have been done without the consent of the government of the United States. Under the 8th article of the treaty with Mexico of the 30th of December, 1853, the United States have acquired a common interest with Mexico in "the early construction of a plank and railroad across the Isthmus of Tehuantepec," and without our consent the forfeiture of the contract could not legitimately have been waived.

The United States have a deep interest in the early construction of this railroad, and it matters comparatively but little to them by whom this object shall be accomplished. If the existing company were able and willing to perform the task we should cheerfully waive all past derelictions of duty on their part, and encourage them to proceed. I regret to say, however, that it would seem almost impossible that the railroad can be constructed by them.

Under the charter the capital stock is fixed at $10,000,000, and is divided into 100,000 shares, of $100 each; 50,000 shares, or one-half of this capital stock, says the charter, "shall be held and retained by A. G. Sloo and assignees, and be considered fully paid, as a compensation for the contract." Thus one-half the entire capital is given to Mr. Sloo as a bonus for obtaining the contract, and is entirely sunk as a fund for the construction of the road. In regard to the remaining 50,000 shares, without descending to particulars, it is quite evident, from a view of the charter, that but a small portion of these can be rendered available for this purpose. In fact, it is not known or believed that a single instalment was ever called in or paid upon the stock subscribed. On the contrary, there is good reason to believe that Messrs. Sloo & Company intended to construct the entire road, not by means derived from the stock, but by loans from Europe, secured on the railroad. Even if this had been possible at the date of the charter, it has now become impossible by the high rate of interest in London and Paris.

Thus you will perceive that the complications are endless, and the right of none of the contending parties is clear; and thus the construction of this great international highway has been hitherto prevented. It is but just to observe, however, that on the face of the papers the claim of Mr. Falconnet seems to be the best founded.

But the prospect for the construction of the road has now become brighter; because Mr. Falconnet, the Tehuantepec Company, and the owners of the Garay grant have united their interests, and now seek to obtain from the Mexican government such modifications in the Sloo grant as will secure the construction of the road. If these modi-

fications can be obtained, it is confidently believed that sufficient capital, energy, and enterprise, will be enlisted to accomplish the object.

The Hon. J. P. Benjamin, senator in Congress, from Louisiana, and Emile La Serè, esq., of New Orleans, president of the Tehuantepec Company, will proceed to Mexico for this purpose, and the latter will bear you these instruttions. They will carry with them and deliver to you copies of the agreement between the respective parties above mentioned, the deed of trust, in pursuance thereof, and a new charter of incorporation under the law of Louisiana.

The capital of the new company is to be $10,000,000, divided into shares of $100 each. Eight millions of this stock is to be held open for subscription. The remaining two millions, in full paid certificates of stock, together with one million of 8 per cent. bonds, are to be delivered to the parties entitled as a full consideration for the transfer to the new company of the Garay grant and of all the rights of the present Tehuantepec company. All their assets, property, the work done, in short everything belonging to them, or either of them, on the Isthmus, or elsewhere, are to be surrendered to the new company, so that it shall come into existence released and discharged from all liabilities whatever, except the claim of Mr. Sloo himself, who, it is understood, is now engaged in a lawsuit with the existing company, and who denies that the president and directors of this company fairly represent the Sloo grant.

No profits are to be divided arising from the transportation of passengers, merchandise, and other articles across the Isthmus until after the completion of the railroad; but these are to be faithfully applied towards its construction.

The company are not to divide, at any period of its existence, more than at the rate of fifteen per cent. per annum upon its capital stock; and whenever the profits exceed this rate the tolls are to be reduced to that standard. The new company are, of course, to be liable for the contracts already entered into by the old company for mail coaches, baggage wagons, and for making the bridges, completing the wagon road, building piers, and furnishing steamboats for the navigation of the Coatzacoalcos river. It is also to satisfy Mr. Falconnet for $600,000 advanced by him to the Mexican government, but it will indemnify itself out of the interest of that government in the net profits of the company, as provided for in the Sloo grant.

I have thus stated the general outlines of the new agreement, because it has not, in its final form, been yet reduced to writing. This arrangement furnishes strong reasons to believe that under it the road will be constructed. The chief drawback is the controversy between Mr. Sloo and the present company, who, however, have possession of the Isthmus, and have been prosecuting the work at considerable expense. It is to be hoped that this controversy will be amicably adjusted between the parties. You are hereby instructed, upon the request of Messrs. Benjamin and La Serè, to make known to the Mexican government the object of their mission, and to give them such aid in its accomplishment as you may deem advisable and effectual.

They may render themselves useful to you in obtaining the cessions of territory from Mexico embraced by your instructions, and, if deemed

expedient, you may employ their services for this purpose. They are both gentlemen of high character and patriotic feelings, and will, I have no doubt, do all that they can, in compliance with your wishes, to render your negotiations successful. But you are to be exclusively the judge in the matter.

Without intending to decide positively what are the rights of Mr. Falconnet, which have been recognized by the Mexican government, as heretofore stated, you are instructed to insist that that government shall extend a similar recognition to any American citizen or company who has purchased or may purchase the same from or under Mr. Falconnet. We cannot agree that any distinction shall be made in favor of British subjects over American citizens.

But whatever may be the rights of the parties to conflicting Mexican grants, the interests of the government and people of the United States demand that their permanent right of way across the Isthmus shall be placed upon sure treaty foundations. For this purpose I transmit articles to be submitted to the Mexican government. The first of these articles, after confirming the stipulations in favor of the United States, in the 8th article of the treaty of December, 1853, and rendering them applicable to any company or individuals by whom the road may be constructed, contains an express cession of the right of transit across the Isthmus to the United States and their citizens, in the most general and comprehensive terms, reserving however to the Mexican republic its right of sovereignty. This article, with a single exception, does no more than substantially carry into effect the provision of the treaty of December, 1853, securing "the stable benefits of the said transit way to the persons and merchandise of the citizens of Mexico and the United States," and prohibiting either government from interposing "any obstacle to the transit of persons and merchandise of both nations."

The exception referred to is embraced in the stipulation that this right of transit shall "be used and enjoyed in the same manner and upon equal terms by both republics;" whereas the 8th article of the treaty of December, 1853, provides only that "at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations."

It is certainly reasonable and equitable that the United States, even upon the principle of mutual equivalents, should be placed upon an equality with Mexico in the use and enjoyment of the transit. By the next succeeding article, they agree to extend their protection to all routes of communication across the Isthmus, and to guaranty the neutrality of these routes, as well as bind themselves to exert their influence with other nations to obtain from them a similar guaranty of neutrality.

These are obligations of an important and responsible character, without which it might be difficult to obtain the capital necessary for the construction of the road; and in consideration of these we may justly claim to be placed upon the same footing with Mexico. But we do not desire this for ourselves alone, as you will perceive by the next succeeding article, but for all other nations. This provides for

a perfect equality of the citizens and subjects of all nations with the citizens of Mexico, in regard to charges and tolls on the railroad or any other means of communication across the Isthmus.

The contemplated railroad will be a thoroughfare for all the commercial nations of the world, and the period has passed when restrictions of any kind upon such a thoroughfare can be patiently tolerated for the benefit of one nation to the prejudice of the rest. The practice of modern commercial nations, based upon the soundest policy, repudiates the idea that discriminations shall be made in favor of any particular nation on the great avenues of international commerce. Besides, this liberality is the true policy of Mexico. It will enable the railroad within her territory to compete successfully with the Panama railroad and other rival routes across the Isthmus. And, after all, from her geographical position, she will derive great and peculiar advantages from the railroad of which she cannot be deprived. Nature has secured these to her, and with these she ought to be satisfied.

These views you are instructed to urge strongly upon the Mexican government, and it is confidently hoped you will do this with success. Should you fail in your efforts in favor of other nations, it is believed you can obtain an equality for the United States with Mexico in this particular. We shall most reluctantly yield this point. If we can succeed, the equality of all nations on the route will soon follow.

Second article. I have already anticipated in the preceding observations much of what I had to say in relation to this article. It provides that the Mexican government shall establish two free ports, one at either end of the Isthmus, where no tonnage or other duties shall be levied on merchandise belonging to citizens or subjects of any nation passing merely in transit from ocean to ocean, and not intended for consumption in Mexico. The reasons will at once occur to your mind against both the injustice and impolicy of any attempt on the part of Mexico to raise a revenue by tonnage or other duties upon articles merely passing in transitu over the road. To prevent all future disputes, however, this ought to be expressly stipulated by treaty. In regard to the two free ports, although deemed important, these may be dispensed with if Mexico shall persistently refuse to establish them.

Whilst it is believed that, under the treaty of December, 1853, the Postmaster General already possesses the right to enter into a contract to carry the mail of the United States in closed bags across the Isthmus, yet, to prevent all disputes, it is deemed advisable to insert such a clause as that proposed in the treaty.

The third article does no more than carry into effect and extend to all the routes of communication which may now or hereafter exist across the Isthmus the following provision in the eighth article of the treaty of December, 1853: "The Mexican government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection, as it shall judge wise, to it, when it may feel sanctioned and warranted by the public or international laws." For this reason it is not presumed that objection will be made to this article. If the jealousy of

the Mexican government, however, should interpose an insurmountable obstacle, the concluding portion of the article might be made to read: "but upon failure to do this, for any cause whatever, the government of the United States may" extend its protection to all or any such routes, according to the provisions of the eighth article of the treaty of the 30th December, between the United States and Mexico.

The fourth article. This is confined merely to the troops, military stores, and munitions of war belonging to the two governments. It will have no injurious effect upon the general commerce of the citizens or subjects of any nation. Mexico and the United States are the two nations on whom and on whose citizens the burden of the construction, preservation, and protection of the road will chiefly rest, and who are the most interested in its success. It cannot, therefore, be deemed unreasonable that their troops, military stores, and munitions of war should be transported over it free of toll; this right, in regard to the United States, being confined to such troops, military stores, and munitions of war as may pass in transit between their Atlantic possessions. Should it be found impracticable to induce the Mexican government to assent to the portion of this article in favor of the United States, it might be so modified as to prescribe that the troops of the United States only shall pass free of toll, their military stores and munitions of war paying no more than one-half of the usual rates.

Article fifth. It is almost certain that the railroad across the Isthmus, if properly conducted, will eventually become a source of immense profit to the stockholders. This article is therefore intended to prevent this profit from becoming too extravagant, and thus to protect the citizens and subjects of all nations against the imposition.

I desire you to understand distinctly that the exercise of any influence on your part in favor of the changes in the Sloo grant sought to be obtained from the Mexican government by Messrs. Benjamin and La Sére will be on condition that the new grant shall conform to the stipulations in the foregoing articles.

Thus the President, confiding in your patriotism and abilities, has entrusted to you a most important negotiation. Should you succeed, this will be productive of great and enduring benefits to your country, and entitle your name to be enrolled in the list of her most distinguished diplomatists.

I am, sir, your obedient servant,

LEWIS CASS.

JOHN FORSYTH, Esq., *&c.*, *&c.*, *&c.*

ARTICLE 1. In addition to the stipulations contained in the 8th article of the treaty between the United States and the Mexican republic, dated the 30th of December, 1853, all of which are hereby confirmed, no matter by what company or individuals the plank and rail road, or either of them therein mentioned, may be constructed, the Mexican republic hereby cedes to the United States in perpetuity, and to their citizens and property, the right of way or transit across the Isthmus of Tehuantepec, from ocean to ocean, over any railroad or other route of communication, natural or artificial, whether by land or by water, which

may now or hereafter exist, or be constructed, to be used and enjoyed in the same manner and upon equal terms by both republics and their respective citizens; the Mexican republic, however, reserving its right of sovereignty over the same.

ARTICLE 2. The United States hereby agree to extend their protection to any such railroad, and to all other routes of communication across the Isthmus aforesaid, and to guarantee the neutrality of the same. They also agree to employ their influence with other nations to induce them to guarantee such neutrality. And the Mexican republic, on its part, hereby undertakes, within ——— from the exchange of the ratifications of this treaty, to establish two free ports—one on the Gulf of Mexico, on the eastern, and the other on the Pacific, on the western side of the Isthmus of Tehuantepec—where no tonnage or other duties shall be imposed or levied by the Mexican government on any effects or merchandise belonging to citizens or subjects of the United States, or of any other country, intended *bona fide* for transit across the Isthmus, and not for consumption within the territories of Mexico. And no higher or other charges or tolls shall be imposed on the conveyance or transit of persons and property of citizens or subjects of the United States, or of any other country, on or over any railroad or other route of communication across the Isthmus, than are imposed on the persons and property of Mexican citizens. And the Mexican republic recognizes the right of the Postmaster General of the United States to enter into contracts with individuals or companies to transport the mails of the United States across the Isthmus, in closed bags, not intended for distribution along the line of communication, free from the imposition of all taxes or duties by the Mexican government.

ARTICLE 3. The Mexican republic agrees that, should it become necessary at any time to employ military force for the security and protection of persons and property passing over these routes, or any of them, it will employ the requisite force for that purpose; but upon failure to do this, for any cause whatever, the government of the United States may, in its own discretion, employ such force for this and for no other purpose, and when the necessity ceases, such force shall be immediately withdrawn.

ARTICLE 4. The Mexican republic and the United States mutually agree that no charges or tolls whatever shall be imposed upon any railroad, or other route of communication, for the conveyance over it of Mexican troops, military stores and munitions of war; nor of troops, military stores and munitions of war of the United States, passing in transit, backwards and forwards, between their Atlantic possessions.

ARTICLE 5. No company now in existence, or which may hereafter be established, for the construction of a railroad, or any other route of communication across the Isthmus of Tehuantepec, shall ever divide more than at the rate of fifteen per cent. per annum to its stockholders from tolls collected upon the same; and whenever the rate of tolls shall be found to exceed this amount, they shall be reduced to the standard of fifteen per cent. per annum.

Mr. Forsyth to Mr. Cass.

[Extracts.]

No. 48.] LEGATION OF THE UNITED STATES,
City of Mexico, September 15, 1857.

SIR: Department despatches, Nos. 27 and 28 of the series, have been placed in my hands by the Hon. Emile Lasère, to whom they were entrusted.

* * * * * * * *

In respect to the privileges required by my instructions on the Isthmus of Tehuantepec, there would not have been much difficulty, had I been authorized to purchase them. * * * I had, before receiving these instructions, sounded the government on the Isthmus question, and had ascertained that I could, for a consideration, obtain concessions even more ample than those contemplated in my instructions—concessions that would have given the virtual protectorate and military occupation of that transit to the United States.

Messrs. Benjamin and Lasère will, of course, report to the department the result of their private mission on behalf of the Garay, Hargous, and Louisiana Tehuantepec Company interests. In obedience to your directions, I introduced these gentlemen to the president, and informed him that I was instructed to say that their scheme had the approval of my government, and that I was ordered to support it. Of the course and private history of their negotiations I am unable to speak, for I know nothing. * * * * *

The department will perceive, from the copy of the contract, herewith enclosed, which Messrs. Benjamin and Lasère have concluded in the form of a grant to the Louisiana company, that it is neither in the shape nor in conformity with the terms and conditions set forth in your instructions to me. * * * * I did the only thing I could to compel conformity to the instructions and to protect the interests of the government of the United States, and this was, in the midst of the mysterious negotiation, to call upon the president, and bring pointedly to his attention the following extract from your instructions, marking the condition upon which I was ordered to support the views of Messrs. Benjamin and Lasère. The following is the extract: "I desire you to understand distinctly that the exercise of any influence on your part in favor of the changes in the Sloo grant sought to be obtained from the Mexican government by Messrs. Benjamin and Lasère will be on condition that the new grant shall conform to the stipulations in the foregoing articles." I read to the president the articles referred to, and told him that * * * * I felt it my duty to say that my influence, as the representative of the United States, in favor of the arrangement to be made, was to be considered as given or withheld according as the arrangement was or was not in conformity with these articles. The president replied that the matter contained in these articles was of very grave and delicate import, requiring the serious consideration of the Mexican government; that he could not, in such an informal interview, presume to give an opinion upon

the subject, and advised that the matter should be brought formally before the government through the minister of relations. In respect to Messrs. Benjamin and Lasère, he remarked, that they had been introduced to him by me as the minister of the United States, and recommended to his favorable consideration, as I had been instructed to say, by the President of the United States; that he was treating with them as private persons, and making a contract for the best advantage of Mexico, and he could not perceive what either the government of the United States, or the minister of the United States, had to do with a question which was altogether and exclusively a Mexican one. * * * *

I regret that the public negotiation confided to me has not had so happy an issue as the private one of Messrs. Benjamin and Lasère. While these gentlemen carry home with them a privilege, be it worth more or less, the government of the United States gets nothing, and, I fear, loses something. It is certain that it has lost the valuable time intervening between the receipt of my instructions and the 16th instant, when Gen. Commonfort's full powers cease. * * *

The note of Mr. Lerdo, of the 12th instant, in reply to mine of the 5th, taken in connexion with the restrictions of the 21st article of the late grant to the Louisiana company, appeared to me to have a significance that I could not let pass. I accordingly addressed a note to Mr. Lerdo, dated 15th instant, a copy of which is inclosed, protesting, in the name of my government, against any act or interpretation of any act by the government of Mexico which would in the smallest degree diminish the security and effect of the guaranties contained in the 8th article of the Gadsden treaty, warning Mexico that under no circumstances would the United States yield a jot of the rights acquired by that treaty.

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I am, very respectfully, your obedient servant,

JOHN FORSYTH.

Hon. LEWIS CASS, *&c., &c.*

[Extracts.]

LEGATION OF THE UNITED STATES,
Mexico, September 5, 1857.

* * * * * * * *

Second. The second object embraced in the proposed negotiation relates to the Isthmus of Tehuantepec. And as these objects cannot be more succinctly stated than they are in the draught of articles for the proposed treaty, the undersigned transmits to his excellency a copy of these.

For the purpose of avoiding misunderstanding and unnecessary subsequent explanations, the undersigned has the honor to state that the concessions asked for in reference to Tehuantepec * * * are unaccompanied by the offer of any pecuniary compensation.

If the government of Mexico should be inclined to entertain a treaty negotiation, and for the objects briefly designated in this note, the un-

dersigned is ready, at the pleasure of his excellency, to enter upon a conference to that end.

The undersigned takes this occasion to assure his excellency of his very high consideration.

JOHN FORSYTH.

His Excellency Señor Don SEBASTIAN LERDO DE TEJADA,
Minister of Relations.

[Extracts of Translation.]

NATIONAL PALACE,
Mexico, September 12, 1857.

The undersigned, minister of foreign relations of the republic, has the honor to reply to the note which his excellency John Forsyth, envoy extraordinary and minister plenipotentiary of the United States, addressed to him on the 5th instant.

In it his excellency has been pleased to state that, in compliance with the instructions of his government, he transmits * * * * * * stipulations relative to interoceanic communication across the Isthmus of Tehuantepec. His excellency adds, that he is ready to confer, if the government of Mexico is disposed to open negotiations for such purpose.

The undersigned felt it his duty to communicate the contents of the note * * * to his excellency the president of the republic, receiving his sanction to the following reply.

* * * * * * *

Respecting the * * draught, various concessions are likewise therein proposed: as that of the perpetual right of way, the right to pass an armed force, and the full power of granting [otorgar] protection on the Isthmus, which stipulations Mexico could not admit, insomuch as they depreciate her rights of sovereignty over that territory.

Nevertheless, retaining its full and unqualified rights, the government of the republic is disposed to endeavor, in the most fitting manner, to encourage and secure the benefits of interoceanic communication, not only in favor of the interests and commerce of Mexico, but also in favor of the commerce of the United States and other nations.

For these reasons, the negotiations might be fruitless, if his excellency, Mr. Forsyth, following his instructions, cannot consent to abandon the points indicated; but if he feels at liberty to modify the proposals substantially, or to draw up new ones which shall not be repugnant to the spirit of this note, there will then be no obstacle to overtures with the Mexican government, animated as it is by the amicable sentiments consonant with the happy relations subsisting between the two republics.

The undersigned has the honor of reiterating to his excellency Mr. Forsyth, the assurances of his very distinguished consideration.

S. LERDO DE TEJADA.

His Excellency JOHN FORSYTH,
Envoy Extraordinary, and
Minister Plenipotentiary of the United States.

[Extracts.]

LEGATION OF THE UNITED STATES,
Mexico, September 15, 1857.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to acknowledge the receipt of the note of his excellency the minister of relations of the 12th instant, in which he is informed that the government of Mexico declines entering into negotiations for a treaty on the basis of * * * certain concessions to the United States on the Isthmus of Tehuantepec. The time having passed when the undersigned would have felt authorized to depart from the letter of his instructions in the formation of a treaty, he has now nothing to do but to report to his government the answer of the Mexican government to its proposals, and to await its further instructions.

The undersigned cannot permit this occasion to pass without adverting to a passage in his excellency's note, which, taken in connexion with the spirit of a late contract, made by the Mexican government with the Louisiana Company, for the opening of the Tehuantepec Isthmus route, appears to have an important significancy. His excellency states, among other things, that "the right to pass an armed force" over the Isthmus, if granted by Mexico, would "depreciate her rights of sovereignty over that territory;" while, in the grant to the Louisiana Company, dated the 7th instant, a restriction is placed upon the company in article 20, which absolutely forbids it to transport armed forces, foreign or national, over any road or transit it may control. The undersigned has to observe that, if the granting of a permission by Mexico to the United States for the transit of her troops and munitions across the Isthmus be equivalent to a depreciation of Mexican rights of sovereignty over that territory, then Mexico has already, *quo ad hoc*, parted with that sovereignty. In the 8th article of the treaty of 30th December, 1853, it is provided, among other things, that "the two governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent." It is true, the "arrangements" here spoken of have never been made, but it is only because, up to this moment, the way across the Isthmus has not been opened, and there has been no occasion for the United States to ask for the fulfilment of this stipulation. When that occasion does present itself the United States government will insist, and will have a right to insist, upon the arrangements necessary and proper to perfect the right, conferred by Mexico in this article, to pass her troops promptly across the Isthmus. The undersigned would fail to act in the spirit of his instructions from his government did he not protest, as he now does, against any act or declaration, or any interpretation of any act or declaration, of the Mexican government, which may be supposed to call in question, or place in jeopardy, the clear guarantees of the 8th article of the treaty of 1853. Peculiarly placed as the territories of the United States are,

on the borders of the two oceans, with Mexican territory intervening, and offering a transit fully eight days shorter for the passage of her citizens, her merchandise, and her troops, than by any other route, it is not to be expected that the United States, in an age when steam and electricity have made the saving of time so important an element of progress, can forego the advantages or yield up the privileges guaranteed to her by solemn treaty stipulations. So far from it, the government of the United States feels that it has a right to expect from the comity of a friendly and neighboring republic an extension of the facilities and privileges of transit over this important highway, it being always understood that they are to be enjoyed in perfect consistency with the sovereign rights of Mexico over that territory, and without detriment to the interests, the honor, or the prosperity of the Mexican government or people.

This interesting question is surely destined to be the object of early investigation and negotiation between the two governments; and if the undersigned should chance to be the minister of the United States when that time arises, he does not despair of being able to demonstrate, by fair argument, not only that the government of Mexico can treat with that of the United States in the spirit of the Tehuantepec articles, lately submitted to it, without depreciating her rights of sovereignty, but that such a course is consistent with her clearest duty and highest national interests.

The undersigned takes this occasion to assure his excellency of his distinguished consideration.

JOHN FORSYTH.

His Excellency Señor Don SEBASTIAN LERDO DE TEJADA,
Minister of Relations.

[Translation.]

Department of Interior, [Fomento,] Colonization, Industry, and Commerce of the Mexican Republic.

FIFTH SECTION.

His excellency the president of the republic has transmitted to me the following decree:

Ignacio Comonfort, president of the Mexican republic, to the inhabitants thereof: Know ye, that, using the powers granted to me by the plan of Ayutla, remodelled at Acapulco, I have thought proper to issue the following decree:

SOLE ARTICLE. The privilege granted on the 5th of February, 1853, to Mr. A. G. Sloo and associates, and to the company entitled "Mixed," for the opening of interoceanic communication through the Isthmus of Tehuantepec, is declared null and void; the grantees having violated the obligations imposed by the decree of the above

date. Wherefore, I order it to be printed, published, circulated, and duly carried into effect.

Issued in the palace of Tacubaya, September 3, 1857.

IGNACIO COMONFORT.

To the citizen MANUEL SILICEO.

Communicated for your information and proper action.

God and liberty. Mexico, September 3, 1857.

SILICEO.

FIFTH SECTION.

His excellency the president of the republic has transmitted to me the following decree:

The citizen Ignacio Comonfort, president of the Mexican republic, to the inhabitants thereof: Know ye, that, using the power granted to me by the plan proclaimed at Ayutla, and remodelled at Acapulco, I have thought proper to issue the following decree:

ART. 1. A privilege is conceded to the company formed in New Orleans on the 30th of July of the present year, called the "Louisiana Tehuantepec Company," for the opening of an interoceanic communication across the Isthmus of that name, according to the conditions expressed in the present decree.

2. The company shall establish the communication by water in the navigable part of the Coatzacoalcos, and from the point where that river ceases to be navigable shall begin the roads referred to in the two succeeding articles.

3. The company shall construct a railroad, which shall be commenced in eighteen months from the date of this decree, and finish in each year a length of ten leagues (26 miles 73½ yards) until the entire completion of the line.

4. Until the railroad is completed, the company shall keep in good serviceable order a convenient road, with the necessary bridges, for the passage of carriages conveying passengers and merchandise of small weight.

5. As soon as the necessary surveys are made, and the plans drawn by the engineers for the line of the road, they shall be submitted to the minister of fomento (internal improvements) for his approval.

6. The company shall build, at its own cost, within two years from the completion of the railroad, the moles and dykes necessary for the line of communication in the ports of Coatzacoalcos and Ventosa, which are open for foreign commerce. It shall immediately construct such works as are necessary for discharging vessels and protecting merchandise from damage.

7. The government grants to the company the lands necessary for the carriage road and railroad, the moles, dykes, warehouses, depots, stations, sheds for stages and other carriages, and hotels for passengers; but if the public land is insufficient for these purposes, the company shall take lands of private proprietors, indemnifying the owners according to law.

8. The company may take gratis from public lands materials necessary for the construction and preservation of the road, and its appurtenances. It may also use materials from private lands, indemnifying the owners according to law.

9. The exclusive privilege of transport by the line of communication is granted to the company, which shall consequently have power to levy tolls, transit dues, storages, and any other dues for freight of merchandise, or conveyance of passengers; but the tariff fixed by it shall not exceed fifty cents per league for each passenger, nor three cents per league for each arroba (twenty-five pounds) of merchandise, nor one per cent. on the value of precious metals and jewels for carriage across the entire length of the road.

10. The government shall exact no impost nor contribution of any kind, whether on the transit of merchandise or passengers, or on the capital invested in the road; but the company shall pay the government each month twelve cents for each passenger and each package of merchandise carried across the general line.

11. During the time necessary for the construction of the road the company may import into the Isthmus, free of duty, the materials, engines, iron work, carriages, and tools necessary for the construction and preservation of the road and its appurtenances, as well as such objects of first necessity as are not found on the Isthmus, and as may be required for the maintenance and clothing of the laborers and persons employed on the road. After that time the company shall have the right to import free of duty only the engines, cars, and rails necessary for the road. This latter exemption shall last during the whole term of the privilege; and this, as well as the exemption first mentioned, shall be used in accordance with the rules to be issued by the minister of the treasury.

12. The government will protect with its whole power the prosecution, preservation, and security of the work.

13. The right granted to the company for the conveyance of merchandise shall be subject to rules to be issued by the minister of the treasury, having for their object the prevention of abuses, and especially the facilitating of the prompt despatch of the merchandise. This right shall not confer on the company the privilege of opening any stores for sale of merchandise on the Isthmus.

14. The government shall keep open, for foreign commerce, the ports of Coatzacoalcos, on the Gulf of Mexico, and of Ventosa, on the Pacific.

15. The company shall construct first-class light-houses on both termini of the line of communication, and another in the port of Acapulco. The first two to be finished within seven years, and the third within ten years from this date, which shall belong exclusively to the government. It shall also deepen the bar and bed of the Coatzacoalcos river, if practicable, according to plans to be approved by the minister of fomento.

16. The present privilege shall last sixty years from this date, during all which time the government shall receive fifteen per cent. of the net revenues of the whole line whenever dividends are declared to the shareholders. During all this time the exemptions and other

rights conceded to the company by the decree shall be valid and exclusive, and shall not be changed except by mutual consent; and at the end of these sixty years the government shall enter into full and absolute possession of the road, with all its trains, (which shall be at least sufficient for the daily carriage of five hundred passengers and ten thousand arrobas of merchandise,) tools, and appurtenances; it being understood that the whole is to be delivered in a perfectly serviceable state for current use, the rails, cars, machines, and utensils, not to be more than half worn. The ships and steamboats of the company are not included in this obligation.

17. The company assumes the payment to Mr. Francisco P. Falconnet of the six hundred thousand dollars, with interest and damages legally due, lent to the Sloo enterprise, to enable it to comply with the 14th article of the contract of the 5th February, 1853, liberating the government from all future responsibility, and without diminishing its share of net profits fixed in the preceding article.

18. The company shall convey to any point of its whole line, free of charge, the mails which pass on the road, receiving and delivering them with the regular formalities. It shall also convey, for half its tariff of prices, all products and objects belonging to the government. It shall also convey *gratis*, going and returning, the officers, troops, employés, and agents of the general government, and of the States when travelling on public service. The metals and agricultural and manufactured products of the republic shall be conveyed for twenty-five per cent. less than the tariff of prices under regulations to be issued by the minister of the treasury.

19. The government shall name two of the nine directors of the company, with the same faculties and prerogatives as the other directors, and may establish a commission on the Isthmus to watch the works undertaken in conformity with this privilege.

20. The following restrictions are imposed on the company: 1. It shall construct no fortress on the Isthmus, nor organize an armed force of any kind, nor give passage to any armed force, national or foreign, without the express authorization of the general government. 2. It shall immediately discharge from its service any of its employés engaged in smuggling, or protecting smuggling, or who shall commit any offence, and shall aid the government in prosecuting the delinquents. 3. It shall enforce any measures designated by the general government for the purpose of compelling all passengers to obey the revenue laws of the republic.

21. The company, and all foreigners who may take part in it, whether as shareholders or by any other right which may entitle them to intervene in its operations, share in its profits, or claim any of its concessions, shall have no greater rights than Mexicans, nor any other means of enforcing them than those conceded to the latter by the laws of the republic. All questions of this kind, and those which may arise in relation to the acquisition, preservation, or loss of shares or rights in the said road, shall be decided by competent national tribunals in conformity with law. The employés and servants of the company shall be subject to the same conditions.

22. The restrictions of the preceding article shall not apply to dis-

putes or differences between foreign shareholders not within the republic, for, in this case, such disputes may be examined and decided as if this restriction did not exist. But these decisions of foreign tribunals shall in no manner affect the prescriptions of this decree, nor those of the company to which the privilege is conceded, which is to be reputed Mexican for all the purposes of the concession, nor Mexican interests.

23. The company shall not transfer, alienate nor hypothecate this privilege without previous consent of the government, nor admit as a partner, in any case, any foreign government or state.

24. The transit by the line of communication shall be free for all the inhabitants of the world; but the freight on merchandise of nations who may not make a neutrality treaty with Mexico shall be increased twenty-five per cent.

25. The company shall open lists in Mexico for a period of four months for subscription to its stock by Mexicans, and a third of the whole of its shares shall be reserved for that purpose. After that period, the company shall be at liberty to place its shares at any point in the United States or Europe.

26. The company shall have the right to convey by its line of communication, in closed bags, which shall not be opened, foreign mails; and these bags shall be sealed by the postmasters or collectors of customs.

27. There is conceded to the company the exclusive privilege of navigating the river Coatzacoalcos, under the Mexican flag, during the whole time of the concession, establishing for the service of the line steamboats or ships, which shall not be bound to be provided with such officers and crews as the laws require for vessels reputed national; but their captains, employés, and servants shall be subject to the provisions of the twenty-first article of this decree.

28. The privilege conceded in the foregoing article shall not prevent the inhabitants, owners of plantations or other property, situated on the banks of the river, importing objects which they may need, or exporting their agricultural or manufactured products in vessels of Mexican build and under the Mexican flag.

29. The vessels of the company used solely for conveying correspondence and merchandise for transit across the whole line shall be free from tonnage duty.

30. The company shall convey in its vessels, free of cost, the mails which may come from any point of the republic, or may be sent from the republic to any point at which its vessels touch, receiving and delivering them in due form; in the same way it shall convey, for half its tariff rates, all articles the property of the government, and without charge, whether going or returning, the officers, troops, employés, and agents of the general government or of the States when travelling on public service. Metals and the products of the agriculture and manufactures of the republic shall be carried for twenty-five per cent. less than the tariff price.

31. The maximum tariff of prices on the vessels of the company shall be three-fourths of that fixed for the railroad.

32. If the company should require for depot or winter quarters any

other port on the Pacific than Ventosa, it shall give the preference to Acapulco.

33. The company shall appoint an agent in Mexico with the necessary powers and instructions for coming to an understanding with the general goverment and other authorities of the republic on all matters which refer to the obligations imposed on it by this decree.

34. This privilege shall become null and void if the company shall not comply with any of the obligations, or shall infringe the restrictions imposed in the present decree, as well as for a suspension of its work on the road for the space of four months. In any of these events it shall not only lose the concession, of which the Mexican government may dispose at its pleasure, but all the expenses incurred and work done on the Isthmus, which shall remain for the profit of the nation; and shall also pay a fine of $50,000, which shall be secured to the satisfaction of the minister of fomento.

35. In case there should be any doubt or difference in the execution or interpretation of this privilege, it shall be decided by arbitrators and amicable compounders, one named by the government and the other by the company, who, before beginning their examination, shall name a third in case of disagreement. Against the decrees of these arbitrators and the umpire there shall be no appeal nor recourse whatever.

Wherefore, I order that this be printed, published, circulated, and duly enforced.

Given in the national palace of Mexico, on the 7th of September, 1857.

I. COMONFORT.

To the citizen MANUEL SILICEO.

And I communicate it to you for your information and due results. God and liberty. Mexico, September 7, 1857.

SILICEO.

Mr. Brown to Mr. Cass.

POST OFFICE DEPARTMENT,
Washington, May 24, 1858.

SIR: In reply to your communication of the 21st instant, enclosing a copy of the resolutions of the House of Representatives of the 19th instant, calling for information respecting the transit over the Isthmus of Tehuantepec, I have the honor to enclose a copy of a letter which I have just prepared and will send to the chairman of the Post Office Committee, in reply to a call made by the committee on the same subject, which I hope will be satisfactory.

I have the honor to be, sir, your obedient servant,

AARON V. BROWN.

Hon. LEWIS CASS,
Secretary of State.

Mr. Brown to Mr. English.

POST OFFICE DEPARTMENT,
Washington, May 24, 1858.

SIR: In reply to your communication of the 20th instant, I have the honor to state that no contract has been entered into with any party or parties to carry the California mails by the Tehuantepec route. Applications for such a contract having been repeatedly made verbally, and, perhaps, in writing, the department advertised for proposals, which may be seen in the printed pamphlet of Proposals for Louisiana, page 51. Having advertised for proposals on this line, and received one or more bids on it, the department, after taking suitable time for deliberation, has come to the conclusion to establish mail service thereon from New Orleans, *via* Tehuantepec, to Acapulco, provided a satisfactory contract can be made for that purpose. The service is not proposed to be put on further than to Acapulco, because the present line of steamers from Panama to San Francisco always touch at Acapulco, and can take on the New Orleans mails and passengers.* It is not, however, proposed to make the first contract for a longer period than one year from 1st October next, so that this contract and the one from New York to Aspinwall may expire at the same time. In the course of this year the practicability of the Tehuantepec route may have been fully tested, and its capability to furnish the shortest, cheapest, and safest mail route to California fully demonstrated. The department, by the simultaneous expiration of the contracts on these two routes, will be enabled to determine which one to select, or whether to keep up both, accommodating the mails and the passengers from New York and New Orleans, respectively, but paying according to the amount of mail service rendered.

It is alleged that, by starting this line from New Orleans, correspondence from the Atlantic side will be received nearly one week later than at present, and from California to the Atlantic States in like proportion—that is to say, that whilst letters sent from Boston and New York to California, by Panama, would reach Acapulco about —— days after they had been written; others sent from New Orleans, *via* Tehuantepec, to Acapulco would reach them in about —— days; thus practically furnishing nearly a weekly mail, instead of a semi-monthly communication, as at present.

The terms of the contract are not yet definitely settled, and, therefore, cannot be set forth; but the department does not anticipate much difficulty in being able to obtain the service on reasonable and satisfactory terms. The authority of this department to make such a contract may be found in the second section of the act of March 3, 1851, which the Postmaster General considers ample and undoubted.

Serious doubts have been expressed as to whether the road has been yet or will be made in time sufficient for the performance of the con-

*It is not here intended that the line is to the *port* of Acapulco, but it is mentioned only as a designation of the place at or near which the two lines are to be merged into one. The legal form of the contract will be for service from New Orleans to San Francisco, both being American ports, and strictly within the act of 1851.

templated service. The department, however, will take care, in making any contract, to provide that where there is no service there shall be no pay, and that no fines or forfeitures shall be remitted for failures arising from a want of a suitable road or for obstacles presented by the insufficiency of river navigation, or of the bays, at either terminus of the transit. If, therefore, the river, bay, or road, shall not be sufficient, the contractors, not the government, will be the losers by it.

The Tehuantepec route has long been a favorite one with the government and people of the United States. No opportunity has been lost in endeavoring to secure it. Having at last secured it, by the terms of the Gadsden treaty, and a reasonable probability now existing that the route has been, or will in a short time be, placed in a condition to receive the service, the department sees no good reason why it should not enter on the enjoyment of those advantages so earnestly desired and so long anticipated by the people and governernment of the United States.

In proposing to make this contract, the Postmaster General does not intend to decide any controversy which now exists, or may hereafter arise, between rival claimants under the grants or decrees of the Mexican government. Who are the true owners of the right to make the road is left to the proper tribunals to determine. It is enough for the department that parties of undoubted responsibility, claiming to be in possession of the road and to be the lawful owners of it, have proposed to perform the desired service. If in this there shall be any mistake, the contract with the parties will terminate with their loss of the road, and the department be as ready to contract with the successful claimants as with the present ones. In any point of view, it would seem to be the interest of the true owner of this right, whoever he may be, that this contract should be made. It will materially aid in the early completion of the road, and furnish the assurance that after the United States had entered on the use of it, in the transmission of their mails, no wanton or illegal revocation of the right would be tolerated.

The department in arriving at the conclusion that the time had come when the mail service of the United States ought to be placed upon this new and additional route, has not been influenced, in the slightest degree, by mere geographical partialities. Rightly considered, there is no rival and separate interests of the north or northeast to be prejudiced by the establishment of this route.

If it be shorter, safer, and more expeditious than other routes, it can and will be adopted by the people of that portion of the United States, both for postal and travelling purposes, as freely and fully as by those of the west and southwest. If it present no such striking advantages, then more southern transits, such as Panama, Chiriqui, Nicaragua, &c., will continue to be used by all the northern or northeastern portion of the Union, while that of Tehuantcpec would probably be used by the people of the west and of southwestern States, whose geographical positions rendered it to them the most desirable transit.

I am, very respectfully, your obedient servant,

AARON V. BROWN.

Hon. Wm. H. English,
Chairman Committee on the Post Office and Post Roads.

36TH CONGRESS, 1st Session. } SENATE. { Ex. Doc. No. 45.

REPORT

OF

THE POSTMASTER GENERAL,

COMMUNICATING,

In compliance with a resolution of the Senate, copies of the contracts of Daniel H. Johnson and Cornelius Vanderbilt, for transporting the mails between New York, New Orleans, and San Francisco, via the Isthmus, together with the correspondence relating thereto.

MAY 4, 1860.—Read and ordered to lie on the table.
MAY 22, 1860.—Ordered to be printed.

POST OFFICE DEPARTMENT,
Washington, May 2, 1860.

SIR: In obedience to the resolution of the Senate of the 23d April last, I have the honor to transmit herewith copies of the contracts of Daniel H. Johnson and Cornelius Vanderbilt for the service between New York, New Orleans, and San Francisco, *via* the Isthmus, together with an abstract of the several bids made for such service, and copies of the correspondence, fully explaining the action of the department on the subject.

It is proper to add, that the gross amount of postages on mails received and sent by the Vanderbilt line of steamers, from October 8, 1859, to March 24, 1860, inclusive, was $37,348 94.

I am, very respectfully, your obedient servant,

J. HOLT.

Hon. J. C. BRECKINRIDGE,
Vice President of the United States.

Copy of circular letter inviting proposals.

POST OFFICE DEPARTMENT,
Washington, April 7, 1859.

SIR: I am requested by the Postmaster General to inform you that he is prepared to receive and consider proposals for transporting the mails of the United States between New York and San Francisco, and between New Orleans and San Francisco, for a period of nine months, from the 1st of October next to the 30th of June, 1860, inclusive.

Proposal should state the number of trips per month, the time to be

occupied each way, the intermediate ports embraced in the route or routes, the amount of compensation, &c., and must be accompanied with a full and satisfactory guarantee that the party or parties proposing are prepared to perform the designated service, and will, if their proposal is accepted by the Postmaster General, enter into contract with the department, with good and sufficient sureties for the faithful performance of the same during the period named.

I am, very respectfully, your obedient servant,

HORATIO KING,
First Assistant Postmaster General.

P. S.—Proposals will be received at the department until three, p. m., of Saturday, the 30th of April, instant. H. K.

In answer to the foregoing call, the department received the following bids for nine months' service, viz:

Bids for service both from New York and New Orleans.

1. Daniel H. Johnson, for semi-monthly service between New York and San Francisco, and between New Orleans and San Francisco, *via* Key West and Isthmus of Nicaragua, (in twenty-three days from and to New York, and twenty days from and to New Orleans,) at the sum of $162,000.

2. William C Barney, for semi-monthly service between New York and San Francisco, and between New Orleans and San Francisco, *via* Havana and Isthmus of Nicaragua, (in twenty-three days from New York and twenty-one days from New Orleans, returning in twenty-two days to New York and nineteen days to New Orleans,) at the sum of $178,200.

3. William C. Barney, for like service, *via* Key West and Isthmus of Nicaragua, in same time each way, at $215,010.

4. William C. Barney, for like service, *via* Havana and Isthmus of Nicaragua, embracing Savannah, Georgia, as a third Atlantic terminus, in same time each way, at $237,600.

5. William C. Barney, for like service, between New York and San Francisco, and New Orleans and San Francisco; steamships to run *direct* from New York and New Orleans, to and from the Isthmus of Nicaragua, (in twenty-two days from New York, and twenty days from New Orleans to San Francisco, returning in twenty-one days from San Francisco to New York, and nineteen days from San Francisco to New Orleans,) at $268,200.

Bills for service from New York only.

6. Cornelius Vanderbilt, for semi-monthly service between New York and San Francisco, *via* Isthmus of Panama, (exclusive of the Isthmus transportation,) in twenty-three days each way, at $37,500, with privilege to transfer service to route *via* Nicaragua, at $37,500

additional for the Isthmus transit *via* Nicaragua, making full pay for service *via* Nicaragua, $75,000.

7. The Panama Railroad and Pacific Mail Steamship Companies' joint bid for semi-monthly service between New York and San Francisco, *via* Isthmus of Panama, in twenty-two days each way, at the sum of $199,000, the Pacific company guaranteeing a connexion with the Pacific terminus of the Tehuantepec route. Also, for same service, with same conditions, "the compensation to be adjusted by the department, upon consideration of the proposals for similar through service."

Bids for service from New Orleans only.

8. Cornelius Vanderbilt, for semi-monthly service between New Orleans and San Francisco, either *via* Panama or *via* Nicaragua, in from eighteen to twenty-three days each way, at the sum of $150,000—the Isthmus transportation not included, if the mails should be carried *via* Panama.

9. The Louisiana Tehuantepec Company, for semi-monthly service between New Orleans and San Francisco, *via* Isthmus of Tehuantepec, touching at Acapulco, on the Pacific, at the sum of $420,000, the service on the Pacific to be performed in connexion with the steamers belonging to the Pacific Mail Steamship Company.

Or, for semi-monthly service between New Orleans and Ventosa, *via* Isthmus of Tehuantepec, at the sum of $210,000, the time occupied to be from fifteen to seventeen days each way.

POST OFFICE DEPARTMENT, *May* 9, 1859.

SIR: I am instructed by the Postmaster General to inform you that your proposals of the 29th ultimo, for the service between New York and San Francisco, and between New Orleans and San Francisco, connecting at Key West, for nine months from first October next, amounting in the aggregate to one hundred and sixty-two thousand (162,000) dollars, have been accepted, and that articles of contract, for execution, will be transmitted in due time.

I am, very respectfully, your obedient servant,

HORATIO KING,
First Assistant Postmaster General.

DANIEL H. JOHNSON, Esq.,
New York.

[Private.]

POST OFFICE, *New York*, *May* 17, 1859.

DEAR SIR: Having observed various paragraphs in the newspapers referring to the late award of the contract for carrying the mails be-

tween this city and San Francisco, in some of which the character of the bid and the responsibility of the bidder of the successful party were questioned, and feeling assured that you desired as full and explicit a knowledge of the matter as was possible to obtain, I caused myself to be put in communication with Mr. Daniel H. Johnson.

After a free and full conversation with him on two occasions—the last one this morning—I am convinced that he intends in good faith to perform the service, and he assures me that the names of the parties in interest are highly responsible and of great respectability, and that their names would have transpired before this but for the fact that some matters of detail are yet to be settled; that when this is done their names will be given to you.

Permit me, however, to suggest the propriety of forwarding on the contract, that the parties may thus be hurried up, and that you may thus be enabled to know the character of those on whom the burden of the contract is to rest. Let me add that I have thus written solely with the view of aiding and forwarding the final determination of the matter, and that in all matters of investigation as to the character and responsibility of the parties, my aim shall be to give you all the information I can obtain, for your better guidance in matters relating to the bid.

The responsibility of the sureties to the bid is ample, and Mr. Johnson assures me that, in all things, he is sincere and determined, and that the character of the parties, who will soon appear, will justify him and his proposal.

Hoping that you will take occasion to instruct me in the premises, I am, very truly,

ISAAC V. FOWLER,
Postmaster.

POST OFFICE DEPARTMENT,
Washington, May 18, 1859.

SIR: I enclose herewith the draft of a contract, to be executed by Daniel H. Johnson and his sureties, which I have caused to be prepared under his accepted bid, for transporting the mails between New York and New Orleans and San Francisco, *via* Key West, semi-monthly, for nine months, commencing October 1, 1859, and ending June 30, 1860.

The provisions of this contract are the same as those embraced in the existing contract from New Orleans to San Francisco, *via* the Isthmus of Tehuantepec, and the stipulations therein are those uniformly inserted in other mail contracts.

I also enclose, on a separate sheet, a schedule of departures and arrivals, allowing twenty-three days between New York and San Francisco, and twenty days between New Orleans and San Francisco, agreeably to Mr. Johnson's bid, which, if satisfactory, you will please cause to be copied upon the contract before its execution.

The Postmaster General desires that you will attend to having this

contract executed by the contractor, with good and sufficient sureties, as soon as practicable, and return it to him.

I am, very respectfully, your obedient servant,

HORATIO KING.

ISAAC V. FOWLER, Esq.,
Postmaster, New York, N. Y.

Schedule days of departures and arrivals for the contract period of nine months, commencing October 1, 1859, *and ending June* 30, 1860.

Leave New York on the 5th and 20th, and New Orleans on the 8th and 23d, of each month, and arrive at San Francisco within twenty-three days thereafter, from New York, and within twenty days from New Orleans.

Returning.

Leave San Francisco on the 5th and 20th of each month, and arrive at New Orleans within twenty and at New York within twenty-three days thereafter.

When the regular sailing day from either end of the route falls on a Sunday, the departure is to be made on the following Monday.

[Confidential.]

NEW YORK, *May* 19, 1859.

DEAR SIR: The enclosed note I have just received. The parties associated with me are now engaged in settling the terms of purchase of five ocean steamers for cash, and desire that neither their names nor their business be known until all is concluded.

If *positively required*, they will, of course, sign the contract as sureties, but prefer delaying it until next week. I most respectfully ask, can this indulgence be granted?

The imperative tone of the letter enclosed has induced this application to you.

I have the honor to be, very respectfully, your obedient servant,

DANIEL H. JOHNSON.

HON. J. HOLT,
Postmaster General.

[Enclosure.]

POST OFFICE, NEW YORK,
May 19, 1859.

SIR: The postmaster desires me to inform you that the mail contract, executed on the part of the Postmaster General, has been forwarded here for immediate execution by you and sureties.

Please send me the names of the sureties, that I may enter them in the contract at once.

Very respectfully, your obedient servant,

WILLIAM CALDWELL,
Assistant Postmaster.

DANIEL H. JOHNSON, Esq.,
Contractor, &c.

POST OFFICE DEPARTMENT,
May 20, 1859.

SIR: In answer to your letter of the 19th instant, I am directed by the Postmaster General to inform you that objection will not be made to delaying until next week the execution of your contract, and you will be pleased so to advise Mr. Fowler, the postmaster.

I am, very respectfully, your obedient servant,

HORATIO KING.

DANIEL H. JOHNSON, Esq.,
New York.

POST OFFICE DEPARTMENT,
Washington, May 24, 1859.

SIR: I have the honor to inform you that a temporary contract has recently been awarded to Mr. Daniel H. Johnson, of New York, for the conveyance of the United States mail, semi-monthly, in steamships, steamboats, and land carriages, from the 1st of October, 1859, to the 30th of June, 1860, inclusive, between New York and San Francisco, and New Orleans and San Francisco, *via* Key West, Florida, San Juan del Norte, Virgin Bay, and San Juan del Sur, in the State of Nicaragua.

I beg, therefore, to suggest that the Nicaraguan government be officially informed of this arrangement, and requested to adopt such measures as may be necessary to protect the mails in their transit across the Isthmus.

I am, very respectfully, your obedient servant,

J. HOLT.

Hon. LEWIS CASS,
Secretary of State.

DEPARTMENT OF STATE,
Washington, May 24, 1859.

SIR: I have the honor to acknowledge the receipt of your letter of this date, relative to a certain arragement for the conveyance of the United States mail between New York and San Francisco and New

Orleans and San Francisco, and to state, in reply, that your request regarding the matter has been complied with.

I have the honor to be, very respectfully, sir, your obedient servant,

LEWIS CASS.

Hon. JOSEPH HOLT,
Postmaster General.

POST OFFICE DEPARTMENT,
Washington, May 25, 1859.

SIR: Circumstances have transpired since my letter to you of the 20th instant which render it necessary for the Postmaster General to insist upon the immediate execution by yourself and sureties of the contract for the mail service to and from San Francisco, *via* Nicaragua, which was transmitted to the postmaster of New York on the 18th instant.

Mr. Fowler has therefore been requested to require its prompt execution and return to the department.

I am, very respectfully, your obedient servant,

HORATIO KING.

DANIEL H. JOHNSON, Esq.,
New York, N. Y.

POST OFFICE DEPARTMENT,
Washington, May 25, 1859.

SIR: The Postmaster General requests me to state that, from information received this morning, he deems it important to require the prompt execution by Daniel H. Johnson and sureties of the contract for mail service to California transmitted to you on the 18th instant.

You will, of course, see that the sureties offered by Mr. Johnson are persons of undoubted means and responsibility, that the department and the public may have an ample guarantee that the mails will be faithfully carried according to contract.

I am, very respectfully, your obedient servant,

HORATIO KING.

ISAAC V. FOWLER, Esq.,
Postmaster, New York, N. Y.

POST OFFICE, NEW YORK, *May* 26, 1859.

SIR: In reply to yours of yesterday, permit me to state the action taken relative to the contract to be executed by Daniel H. Johnson.

Immediately on its receipt, on Thursday last, the 19th instant, I communicated in writing the fact of its reception, and that I awaited its execution, with all due diligence. Mr. Johnson assured me that his sureties, who were to be unexceptionable in every point, would be immediately forthcoming. On Saturday last, in reply to a note from me asking for the execution of the contract, he showed to me a letter

from you, in which you said: "That objection will not be made to delaying until next week the execution," &c. Presuming that "until next week" was not intended to include the whole week, I again, on Tuesday, the 24th instant, addressed Mr. Johnson and received a reply, of which the enclosed is a copy. In this note he fixed the time for executing the contract for this day. To-day Mr. Johnson called and gave me the names of Asa Tifft, of Key West, Florida, and Henry Churchill, of Connecticut, with very respectable city references. I shall inquire into the circumstances fully.

Mr. Johnson asserts that, in case these sureties are not in every way acceptable, he will give me the names of additional sureties, so there can be no cavil.

Will you please say to me by return mail what sum in the aggregate the sureties should be worth in order to exact a compliance with the terms of the contract.

Very respectfully, your obedient servant,

ISAAC V. FOWLER,
Postmaster.

HORATIO KING, Esq.,
First Assistant Postmaster General.

POST OFFICE DEPARTMENT,
Washington, May 27, 1859.

SIR: In answer to the inquiry made in the concluding paragraph of your letter of 26th instant, I am requested by the Postmaster General to state that the sureties offered by Mr. Johnson should be worth, in the aggregate, at least two hundred thousand dollars.

I am, very respectfully, your obedient servant,

HORATIO KING.

ISAAC V. FOWLER, Esq.,
Postmaster, New York, N. Y.

POST OFFICE, NEW YORK, *May* 30, 1859.

SIR: Relative to the execution of the contract by Daniel H. Johnson, esq., I have to report that on Saturday I was furnished with the names of George H. White, of Cherry Valley, New York, and Mr. George Irving as sureties; and to-day with the additional names of Hiram Grimes and Mr. —— Tunnicliff.

As time is required to make inquiries, I have appointed one o'clock to-morrow for the time for executing the contract. I shall exact an affidavit from each before the United States commissioner as to their responsibility, &c.

I hope to be able to send the contract to-morrow properly executed.

Very respectfully, your obedient servant,

ISAAC V. FOWLER,
Postmaster.
Per WILLIAM CALDWELL,
Assistant.

HORATIO KING, Esq., *&c., &c., &c.*

POST OFFICE DEPARTMENT, *May* 31, 1859.

DEAR SIR: Your letter of the 30th instant is received.

The Postmaster General directs that before accepting the bond offered by Mr. Johnson, you communicate with the department, to the end that there may be no mistake as to the responsibility of the sureties.

Respectfully, your obedient servant,

HORATIO KING.

ISAAC V. FOWLER, Esq.,
Postmaster, New York.

NOTE.—Same request was made by telegraph.

POST OFFICE, NEW YORK, *May* 31, 1859.

SIR: I herewith return to you the contract now executed by Daniel H. Johnson and sureties.

It has been executed at the earliest practicable time, with good and sufficient sureties.

Very respectfully, your obedient servant,

ISAAC V. FOWLER,
Postmaster.

HORATIO KING, Esq.,
First Assistant Postmaster General.

POST OFFICE, NEW YORK, *May* 31, 1859.

SIR: Your telegraphic dispatch, in the words "do not accept bond till department is consulted as to responsibility of sureties," was received at three minutes before three, p. m., a few minutes after the postmaster had left the office, and over an hour after the execution of the contract and acceptance of the sureties by him.

The contract as executed goes forward by same mail with this.

Very respectfully, your obedient servant,

WILLIAM CALDWELL,
Assistant Postmaster.

HORATIO KING, Esq.,
First Assistant Postmaster General.

No. 3.] [$162,000 for nine months.

This article of contract, made the day of May, in the year eighteen hundred and fifty-nine, between the United States, acting in this behalf by their Postmaster General, and Daniel H. Johnson, contractor, and Hiram Grimes and George Irving, of the city of New York, and George W. White, of Cherry Valley, New York, as sureties:

WITNESSETH, That whereas, Daniel H. Johnson has been accepted according to law, as contractor for transporting the mail on route No. 3, from New York and New Orleans, by Key West, Florida, thence to San Juan del Norte, thence by the river San Juan and Lake Nicaragua to Virgin Bay, thence to San Juan del Sur, in the State of Nicaragua, and thence to San Francisco, California, touching at each of the above-named ports, and back, twice a month, in good and sufficient steamships, to and from the Isthmus of Nicaragua, on either side, and across said Isthmus in good and sufficient steamboats and land carriages, at a compensation of one hundred and sixty-two thousand dollars ($162,000) for and during the term of nine months, commencing on the first day of October, in the year one thousand eight hundred and fifty-nine, and ending with the thirtieth day of June, in the year one thousand eight hundred and sixty: the time to be occupied in making each trip, each way, not to exceed twenty-three days between New York and San Francisco, and twenty days between New Orleans and San Francisco. Now, therefore, the said Daniel H. Johnson, contractor, and Hiram Grimes, George Irving, and George W. White, as sureties, do jointly and severally undertake, covenant, and agree with the United States, and do bind themselves:

1. To carry said mail within the times fixed in the annexed schedule of departures and arrivals, and so carry until said schedule is altered by the authority of the Postmaster General of the United States, as hereinafter provided, and then to carry according to said altered schedule.

2. To carry said mail in a safe and secure manner, free from wet or other injury, in steamships, steamboats, and land carriages, and in a separate and convenient apartment of each steamer, to be suitably fitted up under order of the department at the expense of the contractor, for the assorting and safe-keeping of the mail, and for the sole and exclusive occupation, use, and accommodation of the Post Office Department and its mail agent, if the Postmaster General shall require it, for the use and accommodation of the mail and mail agent, and such mail agent is to be conveyed without further charge.

3. To take the mail and every part of it from, and deliver it and every part of it into, each post office on the route, or that may hereafter be established on the route, and into the post office at each end of the route, and to the mail carriers on connecting routes.

They also undertake, covenant, and agree with the United States, and do bind themselves, jointly and severally as aforesaid, to be answerable for the person or persons to whom the said contractor shall commit the care and transportation of the mail, and accountable to the United States for any damages which may be sustained by the United States through his or their unfaithfulness or want of care; and

that the said contractor will discharge any carrier of said mail whenever required to do so by the Postmaster General; also, that he will not transmit, or be concerned in transmitting, commercial intelligence more rapidly than by mail, and that he will not carry out of the mail letters or newspapers which should go by post, and that he will not knowingly convey any person carrying on the business of transporting letters or other mail matter, without the consent of the department; and further, that the said contractor will convey, without additional charge, post office blanks, mail bags, and the special agents of the department, on the exhibition of their credentials.

They further undertake and covenant with the United States that the said contractor will collect quarterly, if required by the Postmaster General, of postmasters on said route the balances due from them to the General Post Office, and faithfully render an account thereof to the Postmaster General in the settlement of quarterly accounts, and will pay over to the General Post Office all balances remaining in his hands. For which services, when performed, the said Daniel H. Johnson is to be paid by the United States, in quarterly payments if practicable, the sum of $162,000, as soon as Congress shall make the necessary appropriation for that purpose, either through the postmasters on the route or otherwise, at the option of the Postmaster General of the United States; said pay to be subject, however, to be reduced or discontinued by the Postmaster General as hereinafter stipulated, or to be suspended in case of delinquency.

It is hereby stipulated and agreed by the said contractor and his sureties that the Postmaster General may increase the service or change the schedule, he allowing a *pro rata* increase of compensation within the restrictions imposed by law for the additional service required; but the contractor may, in case of increased service or change of schedule, relinquish the contract on timely notice, if he prefers it to the change.

It is hereby also stipulated and agreed by the said contractor and his sureties, that in all cases there is to be a forfeiture of the pay of a trip when the trip is not run, and a forfeiture of a due proportion of it when a grade of service is rendered inferior to the mode of conveyance above stipulated; and that these forfeitures may be increased into penalties of a higher amount, according to the nature or frequency of the failure and the importance of the mail; also, that fines may be imposed upon the contractor unless the delinquency be satisfactorily explained to the Postmaster General in due time, for failing to take from, or deliver at a post office the mail, or any part of it; for suffering it to be wet, injured, lost, or destroyed; for carrying it in a place or manner that exposes it to depredation, loss, or injury, by being wet or otherwise; for refusing, after demand, to convey a mail by any steamships, steamboats, or land carriages, which the contractor runs, or is concerned in running, on the route, beyond the number of trips above specified; or for not arriving at the time set in the schedule. And for setting up or running an express to transmit letters or commercial intelligence in advance of the mail, or for transporting knowingly, or after being informed, any one engaged in transporting letters or mail matter in violation of the laws of the United States, a penalty

of fifty dollars may be exacted for each offence, and for each article so carried. And no fines or forfeitures shall be remitted for failures arising from a want of a suitable road, or for obstacles presented by the insufficiency of the river navigation, or of the bays, at either terminus of the route.

It is further stipulated and agreed, by the said contractor and his sureties, that the Postmaster General may annul the contract for repeated failures; for violating the post office laws; for disobeying the instructions of the department; for refusing to discharge a carrier or any other person having charge of the mail by his direction, when required by the department; for assigning the contract without the consent of the Postmaster General; for setting up or running an express as aforesaid; or for transporting persons conveying mail matter out of the mail as aforesaid; or whenever the contractor shall become a postmaster, assistant postmaster, or member of Congress; and this contract shall in all its parts be subject to the terms and requisitions of an act of Congress passed on the twenty-first day of April, in the year of our Lord one thousand eight hundred and eight, entitled "An act concerning public contracts."

In witness whereof, the said Postmaster General has caused the seal of the Post Office Department to be hereto affixed, and has attested the same by his signature, and the said contractors and his sureties have hereunto set their hands and seals, the day and year set opposite their names respectively.

Signed, sealed, and delivered by the Postmaster General in the presence of—

HORATIO KING.

J. HOLT. [SEAL.]

And by the other parties hereto, in the presence of—

WILLIAM CALDWELL,
ISAAC V. FOWLER.

DANIEL H. JOHNSON. [L. S.]
HIRAM GRIMES. [L. S.]
GEORGE WHITE. [L. S.]
GEORGE IRVING. [L. S.]

I hereby certify that I am well acquainted with Hiram Grimes, George Irving, and George W. White, and the condition of their property, and that after full investigation and inquiry, I am well satisfied that they are good and sufficient sureties for the amount in the foregoing contract.

ISAAC V. FOWLER,
Postmaster.

Schedule days of departures and arrivals for the contract period of nine months, commencing October 1, 1859, *and ending June* 30, 1860.

Leave New York on the 5th and 20th, and New Orleans on the 8th and 23d of each month, and arrive at San Francisco within twenty-three days thereafter from New York, and within twenty days from New Orleans.

Returning.

Leave San Francisco on the 5th and 20th of each month, and arrive at New Orleans within twenty and at New York within twenty-three days thereafter.

When the regular sailing day from either end of the route falls on a Sunday, the departure is to be made on the following Monday.

POST OFFICE DEPARTMENT,
Washington, July 6, 1859.

SIR: I am requested by the Postmaster General to inform you that as steps will be taken through the State Department to procure in advance of the commencement of service, *via* Nicaragua, the co-operation of the government of Nicaragua in protecting the mails and passengers during their transit across the Isthmus, and an assurance from that government that the necessary measures have been adopted for that purpose, it is important that you inform the department more fully and particularly than has heretofore been done, with reference to the parties in interest with you, and all particulars relative to means and facilities of transportation, plans of operation, under your contract, &c.

You will therefore please communicate this information as early as practicable, either by letter or in person. If you can conveniently visit the department at an early day, a verbal interview on this subject would no doubt be the most satisfactory. An immediate answer is solicited.

I am, very respectfully, your obedient servant,

HORATIO KING.

DANIEL H. JOHNSON, Esq.,
New York, N. Y.

POST OFFICE DEPARTMENT,
July 9, 1859.

DEAR SIR: It is particularly desired that you will visit Washington without delay, with reference to important matters relating to your contract.

I am, respectfully, your obedient servant,

HORATIO KING,
First Assistant Postmaster General.

DANIEL H. JOHNSON, Esq., *New York.*

[Telegraph.]

POST OFFICE DEPARTMENT,
July 11, 1859.

Postmaster General says: See Mr. Daniel H. Johnson, and request him to come here immediately.

H. K.

I. V. FOWLER, Esq.,
Postmaster, New York.

NEW YORK, *July* 19, 1859.

SIR: Your letter of the ——— reached me at Salem, Massachusetts, where I was detained by sickness, and whence I have just returned.

In accordance with your request, I shall be happy to call on you in Washington next week, being now detained here a few days with the details of the arrangements for carrying the California mails, having already procured the requisites for the punctual performance of my mail contract.

I have the honor to be, very respectfully, your obedient servant,
DANIEL H. JOHNSON,
Box 433, *Post Office.*

Hon. H. KING, *First Asst. Postmaster General,*
Washington, D. C.

P. S.—The Nicaragua Company, organized under the Van Dyke contract, with which I am connected in this undertaking, have already two steamboats nearly ready to start for Nicaragua, and have also sent here to purchase some previously on the route.

NEW YORK, *July* 21, 1859.

SIR: It is generally supposed here in New York that the contractor with your department for the transportation of the California mails from October, 1859, to July, 1860, will be unable to fulfil his engagements or perform the service It is in view of the contingency of his failure that I now address you.

I am running a line, semi-monthly, of steamers to California, *via* the Isthmus of Panama, leaving New York and San Francisco on the 5th and 20th of each month, being the days of the departure of the mails under the existing arrangement. I was a competitor for the service lately proposed by your department, and for which Mr. Johnson was the successful bidder. In offering for the proposed service I found myself embarrassed by the refusal of the Panama Railroad Company (who have, of course, the entire monopoly of the Isthmus) to state the sum for which they would permit the mails to be transported across the Isthmus upon their railroad.

The advertisement of your department required proposals for the entire service from New York to San Francisco, (embracing the

Isthmus;) and the refusal of the Panama Railroad Company to state the price for the railroad transportation rendered it impossible for me to propose otherwise than for the ocean service. In reply to my application to the Panama Railroad Company to name their price for the Isthmus transportation, they stated that they preferred to contract for the transportation of the mails across the Isthmus directly with your department. Their letter announcing such determination was transmitted by me to your department in the month of April last, and I beg that you will refer to it.

It is hardly necessary to conjecture the motives which induced the Panama Railroad Company to take this course. It is well known in this community that the persons having the direction of the Panama Railroad Company are largely interested in the line of steamers at present performing the mail service between New York and San Francisco; and this fact, taken in connexion with the fact that a joint bid for the service for which proposals were lately invited by your department was made by the Panama Railroad Company and the Pacific Mail Steamship Company leaves no room to doubt that the Panama Railroad Company were desirous and determined to prevent any successful competition with the Pacific Mail Steamship Company for the proposed mail service. It would not seem to be an unjust comment upon this course of procedure to say that it was designed to work injury to the public service, and advantage to the parties now performing the mail service between New York and San Francisco.

The form of the proposals invented by your department were calculated, but of course without design, to facilitate the scheme of the Panama Railroad Company and their steamship confederates.

Should your department see fit to contract directly with the Panama Railroad Company for the Isthmus transportation of the mails, and throw the ocean service open to competition to all American citizens, it is respectfully submitted that the public interests would be subserved, and an injurious combination of the description referred to would be prevented.

This scheme of the Panama Railroad Company to prevent competition with the Pacific Mail Steamship Company was, of course, for the time being frustrated by the action of your department in awarding the contract to a party proposing to carry by the Nicaragua route. If that route was actually open and free to the public it would, of course, be impossible that any combination to preclude competition in the California mail service should be successful. But at the time of the offering for proposals by your department it was not actually open, nor in condition for the transportation of the mails, and for these reasons my proposal to transport the mails by the Nicaragua route was contingent.

I was not made aware of any assurances on the part of our government to protect the mails against interference from the Nicaraguan authorities, and, without such assurance in some form, it appeared to me to be indiscreet to contract absolutely for the performance of the mail service by that route. With such assurance, I am willing to undertake, forthwith, the transportation of the mails by that route, and to make at once the considerable expenditures of money necessary

to place the route in effective working condition for the transportation of mails and passengers.

Permit me, therefore, at this time, in view of the probable failure of the contractor for the California mail service from October to July next to perform his engagement, to make to your department the following suggestions:

1st. That in the event that new proposals are invited by your department, such proposals, by the Panama route at least, be for the ocean mail service alone, and that the department contract directly with the Panama Railroad Company for the service upon their railroad. Under the present arrangement the railroad service is the subject of a separate and distinct contract, and it is hardly to be presumed that the Panama Railroad Company would decline to contract with the government directly for the transportation of the mails across the Isthmus at a reasonable price.

2d. That permission should be given the contractor to transport the mails by the Nicaragua route in case the Postmaster General should be first satisfied that such service can be so performed as effectively as heretofore.

It would seem to establish a precedent dangerous to the public interests to permit the Panama Railroad Company to determine who may and who may not enter into competition for the California mail service; and feeling assured, as I do, that your department has regard solely to the public welfare, and would do no act to favor one citizen to the prejudice of another, or advance one interest to the detriment of another, I have deemed myself justified in making this communication.

I hope that the mail service to California by sea will, at the expiration of the present arrangement, be thrown open to public competition, and that such precautions shall be resorted to by your department as will permit all responsible parties to propose for the required rervice.

If I am at liberty to do so, I will make such further suggestions to your department touching this subject as may occur to me. I should be pleased to be informed of the course which the department proposes to adopt, in case of the contingencies to which I have referred; and to have, in any event, the opportunity afforded to me to propose for the performance of such mail service to California, after October 1, as may be required by your department, contingently or otherwise.

Awaiting reply, I am, your very obedient servant,

C. VANDERBILT.

Hon. J. HOLT,
Postmaster General, Washington, D. C.

No. 59.] MERCHANTS' EXCHANGE,
OFFICE OF THE U. S. AND CENTRAL AMERICAN TRANSIT COMPANY,
New York, July 22, 1859.

SIR: I am instructed to inform you that this company, formed under grant from the government of Nicaragua, known as the "Van Dyke and Wallace contract," hold an instrument executed by Mr. D. H. John-

son, assigning and transferring to them a contract to transport the United States mail from New York and New Orleans to San Francisco, *via* Nicaragua, a copy of which is enclosed.

This informal agreement is transmitted to the department to be held until a more formal instrument can be executed, and to secure the rights acquired under it by this company.

I am, respectfully, your obedient servant,

ISAAC C. LEA,
Secretary.

Hon. J. HOLT,
Postmaster General.

It is understood and agreed that D. H. Johnson is to transfer and assign to the company formed under the Van Dyke & Wallace contract, according to the general steamship law of New York, and he does hereby assign and transfer to the same, the mail contract already procured and existing between the government of the United States and said Johnson for carrying the mail to San Francisco, *via* Nicaragua; in consideration whereof, it is understood and agreed that said Johnson is to receive from the mail pay of said contract the sum of ten thousand dollars, as a commission to him or to his order; and also, a further sum from the mail pay, not exceeding twenty-five thousand dollars, for which sum the said Johnson has become liable to the sureties on said contract. And if at any future time it should appear impracticable that said contract shall be assigned, by reason of the regulation of the Post Office Department, or otherwise, then said Johnson is to give to the said company an irrevocable power of attorney to collect the pay from the United States for the carrying of said mail, less the above amount of thirty-five thousand dollars to be paid *pro rata* out of each payment; and for that purpose this paper shall be considered a sufficient power.

Done in New York, June 21, 1859.

DANIEL H. JOHNSON.

I certify the foregoing to be a true copy from the original paper in my possession.

ISAAC. C. LEA,
Secretary.

NEW YORK, *July* 27, 1859.

SIR: I have been unable to reach Washington up to the present time, in consequence of the failure of parties who were to have assisted in carrying the mail, making it incumbent on me to make some change in my arrangements.

This change I hope within a few days to complete, and shall come on to Washington immediately on the completion.

I have the honor to be, very respectfully, your obedient servant,

DANIEL H. JOHNSON,
Box 433 *Post Office.*

Hon. J. HOLT,
Postmaster General, Washington, D. C.

POST OFFICE DEPARTMENT, *July* 26, 1859.

SIR: Your communication in relation to the transportation of the mail from New York to San Francisco, *via* Nicaragua, was received, and, at your suggestion, was forwarded to the President, now at the Bedford Springs.

My purpose in addressing you at this moment is to inquire whether, in the event of the failure of the existing contract, you would be willing to enter into an arrangement with the department upon the terms heretofore proposed by you? Of course the government will guarantee the safe transit of the mails, so far as political obstacles are concerned. None, however, are anticipated; but should they arise, and not be overcome, the contractors would not be held responsible for such a result.

Very respectfully, your obedient servant,

J. HOLT.

Commodore C. VANDERBILT, *New York.*

NEW YORK, *July* 30, 1859.

DEAR SIR: Your letter of the 26th instant, addressed to C. Vanderbilt, has come to hand during the commodore's absence from town on an excursion. When he returns your inquiry shall have prompt notice by a reply in writing, or he will see you at Washington.

Very respectfully, your obedient servant,

D. B. ALLEN.

Hon. JOSEPH HOLT,
Postmaster General, Washington.

POST OFFICE DEPARTMENT, *July* 30, 1859.

SIR: In reply to yours of the 22d instant, I have to state that, before I can determine the question whether this department will assent to the assignment of the contract by Mr. Johnson to the "United States and Central American Transit Company," I must be informed—

1. Who are the members of said company.
2. A copy of the charter granted them by the Nicaraguan government must be forwarded to this department.
3. What ships are now owned by the company, and destined for the service referred to, and within what time the arrangement for the execution of the contract will be complete.

Asking that you will at once furnish the information suggested by these inquiries, I am, very respectfully, your obedient servant,

J. HOLT.

ISAAC C. LEA, Esq., *Secretary, &c.*

NEW YORK, *August* 5, 1859.

DEAR SIR: I have telegraphed to Mr. Vanderbilt your inquiry, received a day or two since, and he directs me to say to you that he is desirous of having an interview with you, and that he will go to Washington for that purpose immediately after his return from Canada; that his ships are at the disposition of your department, so far as the California mail is concerned, and he hopes this will be satisfactory to you.

Mr. Vanderbilt directs me further to say, that if you must have an immediate answer he will go to Washington at once; but it will be an accommodation to him not to do so during the month of August.

Very respectfully, your obedient servant,

D. B. ALLEN.

Hon. J. HOLT,
Postmaster General, Washington.

P. S.—I shall be glad to know whether the above suggestions will meet your wishes. D. B. A.

POST OFFICE DEPARTMENT,
Washington, August 17, 1859.

SIR: By direction of the Postmaster General, I enclose herewith articles of contract for you to execute, after filling the blanks left for the number of days to the trip, &c., and inserting the schedules at the end.

The Postmaster expresses the hope that you will name the shortest time practicable in which the trips are to be performed. The execution should be consummated in the usual manner, under the supervision of the postmaster of New York, who will, of course, at your request, make no mention of the terms of agreement.

I am, very respectfully, your obedient servant,

HORATIO KING.

C. VANDERBILT, Esq., *New York.*

Contract.

This article of contract, made the twenty-ninth day of August, in the year one thousand eight hundred and fifty-nine, between the United States (acting in this behalf by their Postmaster General) and Cornelius Vanderbilt, of the city of New York, contractor, and Jacob H. Vanderbilt and Daniel B. Allen, as sureties, witnesseth :

That whereas the said Cornelius Vanderbilt has been accepted, according to law, as contractor for transporting the mail on route No. 3, from New York to San Francisco, by the way of Aspinwall and Panama, touching at and delivering and receiving mails at Acapulco, on the Pacific coast, and back, twice a month, in good and sufficient steamships to and from the Isthmus of Panama, on either side, at and for a compensation of thirty-seven thousand five hundred dollars, for and during the term of nine months, commencing on the first day of October, in the year one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, in the year one thousand eight hundred and sixty ; the time to be occupied in each trip, each way, not to exceed twenty-five days ; the government of the United States to provide for and to defray the expense of the transit of the said mails across the Isthmus between Aspinwall and Panama ;

And whereas the said Cornelius Vanderbilt has been accepted, according to law, as contractor for transporting the United States mail on route No. 3, from New Orleans to San Francisco, by the way of Aspinwall and Panama, touching at and delivering and receiving mails at Acapulco, on the Pacific coast, and back, twice a month, in good and sufficient steamships to and from the Isthmus of Panama, on either side, at and for a compensation at the rate of one hundred and fifty thousand dollars for nine months service, commencing as soon as practicable after the said first day of October, in the year one thousand eight hundred and fifty-nine, and ending on the 30th day of June, in the year one thousand eight hundred and sixty ; the time to be occupied in each trip, each way, not to exceed twenty-three days ; the government of the United States providing for and defraying the expense of the transit of the said mails across the Isthmus between Aspinwall and Panama ;

And whereas the said Cornelius Vanderbilt has contracted and agreed (and has been accepted according to law as such contractor) to transport and convey all of said mails by the Nicaragua route, instead of by Aspinwall and Panama, to wit : from New York and New Orleans to San Juan del Norte, thence by the River San Juan and Lake Nicaragua to Virgin bay ; thence to San Juan del Sur, in the State of Nicaragua, and thence to San Francisco, California, touching and leaving and receiving mails at each of the above-named ports, and at Acapulco, and back, twice a month, in good and sufficient steamships, to and from the Isthmus of Nicaragua, on either side, and across said Isthmus in good and sufficient steamboats and land carriages, at and for a compensation at the rate of seventy-five thousand dollars for nine months' service, for the New York and San Francisco mails ; and at the rate of one hundred and fifty thousand dollars for nine months' service

for the New Orleans and San Francisco mails; the additional compensation beyond what is stipulated for the route by the Isthmus of Panama being intended to meet and cover the expenses of the land and boat transit over the Isthmus of Nicaragua, which expenses are to be borne and paid by the said Cornelius Vanderbilt; this last-mentioned service by the Nicaragua route is to commence as soon as practicable, and when commenced is to be in lieu of that by Aspinwall and Panama, which is thereafter to be discontinued; and the said service by Nicaragua is to be paid for at the rate mentioned, for and during the time only that it shall be actually performed:

Now, therefore, the said Cornelius Vanderbilt, contractor, and Jacob H. Vanderbilt and Daniel B. Allen as sureties, do jointly and severally undertake, covenant, and agree with the United States, and do bind themselves:

1. To carry said mails within the times fixed in the annexed schedule of departures and arrivals, and so carry until said schedule is altered by the authority of the Postmaster General of the United States, as hereinafter provided, and then to carry according to said altered schedule.

2. To carry said mails in a safe and secure manner, free from wet or other injury, in steamships, steamboats, and land carriages, and in a separate and convenient apartment of each steamer, to be suitably fitted up under the order and direction of the department, at the expense of the said contractor, for the assorting and safe-keeping of the mails, and for the sole and exclusive occupation, use, and accommodation of the Post Office Department and its mail agent, if the Postmaster General shall require it for the use and accommodation of the mail and mail agent, and such mail agent is to be conveyed without further charge.

3. To take the mail and every part of it from, and deliver it and every part of it into, each post office on the route, or that may hereafter be established on the route, and into the post office at each end of the route, and to the mail carriers on connecting routes. They also undertake, covenant, and agree with the United States, and do bind themselves, jointly and severally, as aforesaid, to be answerable for the person or persons to whom the said contractor shall commit the care and transportation of the mails, and accountable to the United States for any damages which may be sustained by the United States, through his or their unfaithfulness or want of care; and that the said contractor will discharge any carrier of said mails whenever required to do so by the Postmaster General; also, that he will not transmit, or be concerned in transmitting, commercial intelligence more rapidly than by mail; and that he will not carry, out of the mail, letters or newspapers which should go by post, and that he will not knowingly convey any person carrying on the business of transporting letters or other mail matter, without the consent of the department; and, further, that the said contractor will convey, without additional charge, post office blanks, mail bags, and the special agents of the department, on the exhibition of their credentials.

For which services, when performed, the said Cornelius Vanderbilt is to be paid by the United States, in quarterly payments if practi-

cable, the several sums mentioned in the foregoing recitals, or so much thereof, at *pro rata* rates, as the service actually performed shall amount to, on each of the several routes therein specified, as soon as Congress shall make the necessary appropriation for that purpose, said pay to be subject, however, to be reduced or discontinued by the Postmaster General, as hereinafter stipulated, or to be suspended in case of delinquency.

It is hereby stipulated and agreed by the said contractor and his sureties that the Postmaster General may increase the service or change the schedule, he allowing a *pro rata* increase of compensation within the restrictions imposed by law for the additional service required; but the contractor may, in case of increase of service or change of schedule, relinquish the contract on timely notice, if he prefers it to the change.

It is hereby also stipulated and agreed by the said contractor and his sureties, that in all cases there is to be a forfeiture of the pay of a trip when the trip is not run, and a forfeiture of a due proportion of it when a grade of service is rendered inferior to the mode of conveyance above stipulated; and that these forfeitures may be increased into penalties of a higher amount, according to the nature or frequency of the failure and the importance of the mail; also, that fines may be imposed upon the contractor unless the delinquency be satisfactorily explained to the Postmaster General in due time, for failing to take from or deliver at a post office the mail, or any part of it, for suffering it to be wet, injured, lost, or destroyed; for carrying it in a place or manner that exposes it to depredation, loss, or injury by being wet or otherwise; for refusing, after demand, to convey a mail by any steamships, steamboats, or land carriages which the contractor runs or is concerned in running on the routes, beyond the number of trips above specified; or for not arriving at the time set in the schedule; and for setting up and running an express to transmit letters or commercial intelligence in advance of the mail, or for transporting knowingly, or after being informed, any one engaged in transporting letters or mail matter, in violation of the laws of the United States, a penalty of fifty dollars may be exacted for each offence, and for each article so carried. And no fines or forfeitures shall be remitted for failures arising from a want of a suitable road, or for obstacles presented by the insufficiency of the river navigation, or of the bays at either terminus of the routes.

It is further stipulated and agreed by the said contractor and his sureties, that the Postmaster General may annul this contract for repeated failures, for violating the post office laws, for disobeying the instructions of the department, for refusing to discharge a carrier or any other person having charge of the mail by his direction, when required by the department; for assigning this contract without the consent of the Postmaster General; for setting up or running an express as aforesaid, or for transporting persons conveying mail matter out of the mails as aforesaid; or whenever the contractor shall become a postmaster, assistant postmaster, or member of Congress; and this contract shall in all its parts be subject to the terms and requisitions of an act of Congress passed on the twenty-first day of April, in the year of our Lord one thousand eight hundred and eight, entitled "An act concerning contracts."

The United States government hereby stipulates and agrees that all obstacles growing out of the action of the government or the people of Nicaragua to the safe and peaceful transit of the said mails across the Isthmus, from San Juan del Norte to San Juan del Sur, shall be removed, and that all the instrumentalities employed by the said Cornelius Vanderbilt in the transportation of the mails by that route shall be protected from detention, violence, or injury, on the part of said government and people.

It is further stipulated and agreed, as well by the said Cornelius Vanderbilt as by the United States, that this contract is made and is to go into effect on the express condition that the existing contract executed by Daniel H. Johnson for the transportation of the United States mails from New York and New Orleans to San Francisco and back, for the period of nine months from the 1st day of October, in the year 1859, and bearing date the day of May, 1859, shall not be executed and fulfilled by said Johnson, in which event, on notification of such failure by the department to said Cornelius Vanderbilt, the foregoing contract will at once go into operation, and the said Vanderbilt will proceed to transport the United States mails at the time and in the manner provided for by its stipulations.

I witness whereof, the said Postmaster General has caused the seal of the Post Office Department to be hereto affixed, and has attested the same by his signature, and the said contractor and his sureties have hereunto set their hands and seals the day and year set opposite their names respectively.

Signed, sealed, and delivered by the Postmaster General.

[L. S.] J. HOLT,
August 30, 1857.

In the presence of—
HORATIO KING.
And by the other parties hereto.

C. VANDERBILT,
August 29, 1859.
J. H. VANDERBILT,
August 29, 1859.
D. B. ALLEN,
August 29, 1859.

In the presence of—
WILLIAM CALDWELL,
Assistant Postmaster, New York.

I hereby certify that I am well acquainted with Jacob H. Vanderbilt and Daniel B. Allen, and with the condition of their property, and that after full investigation and inquiry, I am well satisfied that they are good and sufficient sureties for the amount in the foregoing contract.

WILLIAM CALDWELL,
Assistant Postmaster at New York, N. Y.

POST OFFICE DEPARTMENT,
August 30, 1859.

Upon the execution of the foregoing contract with Cornelius Vanderbilt for the transportation of the United States mails between New York and San Francisco, it appears that the stipulations therein contained obliging the said Vanderbilt "to take the mail and every part of it from, and deliver it into, the post office at each end of the route," was not contemplated by the bid of said Vanderbilt, in response to the proposals of the department, and he having signed said contract with the understanding that said stipulations would not be enforced or insisted on, I hereby, for the consideration aforesaid, relieve him from the obligation which said stipulation imposed, and the department charges itself with the duty of otherwise providing for the reception and delivery of said mails at the termini of said route.

J. HOLT.

SCHEDULE.

Route via Panama.

Leave New York on the 5th and 20th of each month.
Arrive at San Francisco by the 30th and 15th of each month.
Leave San Francisco on the 5th and 20th of each month.
Arrive at New York by the 30th and 15th of each month.
Leave New Orleans on the 7th and 22d of each month.
Arrive at San Francisco by the 30th and 15th of each month.
Leave San Francisco on the 5th and 20th of each month.
Arrive at New Orleans by the 28th and 13th of each month.

Route via Nicaragua.

Leave New York on the 5th and 20th of each month.
Arrive at San Francisco by the 30th and 15th of each month.
Leave San Francisco on the 5th and 20th of each month.
Arrive at New York by the 30th and 15th of each month.
Leave New Orleans on the 7th and 22d of each month.
Arrive at San Francisco by the 30th and 15th of each month.
Leave San Francisco on the 5th and 20th of each month.
Arrive at New Orleans by the 28th and 13th of each month.

NEW YORK, *August* 24, 1859.

DEAR SIR: The form of contract was duly received by the hands of General Skinner.

Mr. Vanderbilt's continued absence from the city, and uncertain whereabouts, induced me not to intrust a matter of so much importance to the risks of correspondence, and I therefore deemed it prudent to retain the paper until I should be certain concerning his movements, and learn from him the probable period of his return.

I hear from him to-day that he will be here the latter part of this week, when I hope to have the pleasure of informing you of his action on the subject.

In the meantime I take the liberty of inviting your attention to the following points, which occur to me in reading over the contract, and to which I beg you to respond at your earliest convenience.

1. Neither the invitation for proposals given out by the department nor the proposals themselves called for stopping at *Acapulco* to land and receive mails. And I should be glad to learn whether you regard this as an indispensable point.

2. The basis of Mr. Vanderbilt's calculations of the service to be performed at the time he made up his estimate and bid, and in which I assisted him, was the cost of the service simply as *freight transportation in the ships*, and it did not occur to him, nor to me, that the carriage between the ships and the post offices at termini of the route would be required of the contractor. We supposed that this would be done by the department.

In the event of the Acapulco service being determined as indispensable, I submit whether you will not be disposed to concede the second point, viz: the carriage of the mails to and from the post offices from and to the ships.

3. The clause relative to *protection*, it seems to me, ought to include *Costa Rica* as well as Nicaragua, for the reason that the river "San Juan," through about one-half its course, is the boundary line of the two republics, and the control of the lower portion of the river is still an unsettled question between Nicaragua, Costa Rica, and the Mosquito protectorate.

Your kindness to me hitherto induces me to make this communication in all frankness, and to solicit from you an early reply, so that I may be enabled to submit the matter to Mr. Vanderbilt, on his return, in a form to secure, as I hope, his prompt and unqualified approval.

By our steamer, the "North Star," of the 20th instant, I sent to our agents at San Francisco orders respecting the mails, of which the enclosed is a copy, in accordance with my promise to you at our last interview. Be kind enough to inform me of the nature of your instructions to the San Francisco office in this behalf, so that I may be prepared to give any additional orders that may be deemed necessary to go forward by steamer of the 5th proximo.

Very respectfully, your obedient servant,

D. B. ALLEN.

Hon. J. HOLT,
Postmaster General, Washington.

[Per "North Star."]

NEW YORK, *August* 19, 1859.

GENTLEMEN: You will please hold yourselves in readiness, on the 5th of October, to take the United States mails that may be offered to you by the postmaster at San Francisco for transportation from that place to New York.

On the failure of the contractor, Johnson, to receive the San Francisco mails of that date, they will be offered to us, and you will please forward them as above, with instructions to deliver them to the Panama Railroad Company for delivery to our Atlantic steamer.

It may be as well to communicate this to no one except to the postmaster at San Francisco, and to him only when it may in your judgment become necessary—say after the departure of the 20th of September steamer.

Respectfully, your obedient servant,

C. VANDERBILT,
By D. B. ALLEN.

Messrs. C. K. GARRISON & Co.,
Agents, San Francisco.

POST OFFICE DEPARTMENT,
Washington, August 25, 1859.

SIR: In answer to your letter of the 24th instant, I am instructed by the Postmaster General to inform you that it is quite desirable to have your steamers touch and leave a mail at Acapulco going and returning; and as it can be done with little trouble, he hopes it will not be objected to.

As regards taking the mails to and from the post offices at the termini of the route, I am desired to say that this service is performed by the present contractors; the advertisement contemplated that this would be done; and as it is the usual course, and the expense to you must be comparatively trifling, it is expected that there will be no objection to it on your part.

With reference to your suggestion, that Costa Rica ought to be included in the clause relative to protection, the Postmaster General has no objection to so altering the articles if you shall desire it, and will return them to the department; but he thinks it wholly unnecessary, inasmuch as this government has no existing difficulty, nor is any anticipated with that of Costa Rica.

It is very important that the contract should be executed in time to give the postmaster at San Francisco instructions on the subject by the mail of the 5th of September.

I am, very respectfully, your obedient servant,

HORATIO KING,
First Assistant Postmaster General.

C. VANDERBILT, Esq., *New York.*

NEW YORK, *August* 29, 1859.

DEAR SIR: I arrived in town this morning, and Mr. Allen has submitted to me the form of contract brought by General Skinner, as also your favors of the 17th and 25th instant, in reference thereto.

Aware, as I am, of the importance of having the contract executed in time to enable you to give the postmaster of San Francisco instructions on the subject by the mail of the 5th of September, and as the

time intervening will not safely admit of further delay, I have concluded to take immediate action in the execution of the contract, expressing, at the same time, my views on the several points raised by Mr. Allen in his correspondence with the department on the subject.

As regards the Acapulco mail, I am willing to accede to the wishes of the Postmaster General, as he seems to regard this service as "quite desirable;" and as regards the protection clause, I agree with you in deeming it of not sufficient importance to require alteration.

But in reference to the carriage of the mails between the ships and the post offices at the termini of the route, I beg leave to say that this service was not contemplated by me as a part of my duty, and that in making up my estimate of what service would be required of me, I made my calculations of the cost solely as freight matter to be transported in the ships. I made this calculation with much care; and the language of the invitation for proposals was such as entirely to preclude the idea that this additional service would be required of me.

For these reasons, I am sure the Postmaster General will concede the propriety of relieving me from this duty; and I have executed the contract in the full confidence, and on the condition, that the service referred to will be performed by the department, or that the Postmaster General will add the sum of twenty-five hundred dollars ($2,500) to the mail pay, for the nine months' period covered by the contract—say from 1st October, 1859, to 30th June, 1860—the option being with the department to perform this service on its own account, or to intrust it to me for a compensation of $2,500 for the contract period.

Noting the request contained in your favor of 17th instant, wherein you say "the Postmaster General expresses the hope that you (I) will name the shortest time practicable in which the trips are to be performed," I have to say that I have filled up the schedule in accordance with my original proposals. At the same time I beg leave to add, that inducements of a much stronger character than that of the speedy transportation of the mails (although this will be one of a potent character) will necessarily urge me to the performance of the trips in the quickest possible time; for my pride is enlisted in this, and I mean to perform the work as satisfactorily, at least, as it is possible for any one to do it.

Very respectfully, your obedient servant,

C. VANDERBILT.

HORATIO KING, Esq.,
First Assistant Postmaster General, Washington.

POST OFFICE DEPARTMENT, *August* 30, 1859.

DEAR SIR: Your letter of the 29th instant, with articles of contract executed on your part, has been received.

The department will attend to the conveyance of the mails to and from the post offices at the ends of the route.

A certified copy of the contract will be sent to you in the course of a day or two.

Respectfully, your obedient servant,

HORATIO KING.

C. VANDERBILT, Esq., *New York.*

POST OFFICE DEPARTMENT, *August* 31, 1859.

SIR: A contract has been made with Daniel H. Johnson, of New York, to convey the mails between New York and San Francisco, and New Orleans and San Francisco, *via* Nicaragua, semi-monthly, for nine months from 1st October next. You will therefore make up and deliver the mails to him accordingly, instead of to the Pacific Mail Steamship Company, whose contract expires on that day.

In the event, however, of Mr. Johnson's failure to carry, you are nstructed to deliver the mails to C. Vanderbilt, or his agent, with whom a conditional arrangement has been made to carry either *via* Nicaragua or Panama.

If it becomes necessary, in the event of such failure, to send by Mr. Vanderbilt's line, you will employ some suitable person to convey the mails to and from the steamship, under the supervision of a trusty clerk, as Mr. Vanderbilt's contract does not embrace that service. It may be well to make a contract for the nine months; and this should be done on the best terms practicable. In New York the cost of this service for nine months will not exceed $250, the department now having an offer at that sum.

If the United States mails shall be sent *via* Nicaragua, the mails for Panama, Aspinwall, and the South Pacific may be sent by the steamships of the Pacific Mail Steamship Company, under the act of 14th June, 1858, for the postages thereon, which should be carefully reported to the Auditor for this department.

I am, respectfully, your obedient servant,

HORATIO KING,
First Assistant Postmaster General.

CHAS. L. WELLER, Esq.,
Postmaster, San Francisco, California.

POST OFFICE DEPARTMENT,
Washington, September 10, 1859.

SIR: I am directed by the Postmaster General to request your immediate attention to the importance of placing the department in possession of full information in respect to the arrangements made by you for carrying out your contract for transporting the mails between New York, New Orleans, and San Francisco, *via* Nicaragua. This matter cannot be longer delayed, and especially with reference to the service from New Orleans the department must know *immediately* whether or not your arrangements are complete for commencing that service on the 1st of October next, agreeably to contract. An answer by return mail is requested.

Respectfully, your obedient servant,

HORATIO KING,
First Assistant Postmaster General.

DANIEL H. JOHNSON, Esq., *New York.*

SALEM, MASSACHUSETTS, *September* 13, 1859.

DEAR SIR: I noticed enclosed paragraph of the 12th instant, in "Tribune," dated 11th, and, only upon the presumption they might have published the truth for once, I beg leave to ask you if you have written me within two months past concerning my contract No. 3, as I have not received any communication from your department which remains unanswered; but that may have been intercepted by my foes in New York. I am now on a visit here, and would be highly gratified to hear from you per return mail. I regret I did not see the Hon. Horatio King on his tour east.

I have the honor to be, very respectfully, your obedient servant,

DAN'L H. JOHNSON,
10 *North street, Salem.*

Hon. J. HOLT,
Postmaster General, Washington, D. C.

P. S.—For your consideration, I annex a copy of my letter of 20th August, to my friend, Colonel A. G. Sloo, the original of which you may have received.

Enclosure.

NEW YORK, *August* 20, 1859.

SIR: Having, with Colonel Sloo, of Indiana, to aid in the transportation of the mails between New York and New Orleans, *via* Key West, *via* Nicaragua, to San Francisco, &c., &c., agreeably to my contract (No. 3.) with the Post Office Department, I have to request that the postmasters on the line of the route be instructed to deliver to said Sloo and the servants of his company the mail matter to be transported under said contract.

I have the honor, &c.,

DANIEL H. JOHNSON.

Hon. J. HOLT,
Postmaster General, Washington, D. C.

Enclosure.

[Copy from the New York "Tribune," Monday, September 12, 1859.]

WASHINGTON, *September* 11, 1859.

"A gentleman of this city has assured the Post Office Department that the contract for carrying the California mail will be executed. But as the contractor himself has neither responded upon the point, by a visit here in person, to explain, as *requested*, nor by *letter*, the department has addressed him another earnest communication, asking

as to his preparations for carrying out the contract. A response is necessary, since if the New Orleans branch of service is not to be executed, the California mails from that city must be brought on to New York before the 5th of October."

POST OFFICE DEPARTMENT,
Washington, September 15, 1859.

SIR: I am directed by the Postmaster General to acknowledge the receipt of your letter, dated 13th instant, at Salem, Massachusetts, and to transmit to you the enclosed copy of a letter of inquiry addressed to you at New York, on the 10th instant, an answer to which is requested by return mail.

Your letter, dated New York, August 20, 1859, of which you enclose a copy, has never been received by the Postmaster General.

Instructions as to your contract were sent to San Francisco by the last mail.

I am, very respectfully, your obedient servant,

HORATIO KING.

DANIEL H. JOHNSON, Esq.,
Salem, Mass.

POST OFFICE DEPARTMENT,
Washington, September 17, 1859.

The present service between your office and San Francisco, both *via* Panama and *via* Tehuantepec, will expire on the first of October next, from and after which date the mails are to be transported agreeably to the new contract made with Daniel H. Johnson, of New York, semi-monthly, *via* Key West and the Isthmus of Nicaragua, the sailing days from New Orleans being the 8th and 23d, and from New York the 5th and 20th of each month, the mails from both offices connecting at Key West, and proceeding from thence direct to San Juan del Norte, and across the Isthmus of Nicaragua to San Juan del Sur, and thence by steamships to San Francisco.

But as no assurance has been given to the department by Mr. Johnson, the contractor for the new service, that he has completed the necessary arrangements commencing that service agreeably to his contract; and as a failure on his part to commence the service according to contract will render it impossible to provide for a direct mail from New Orleans, by steamship, in time for the first trip in October, you are hereby instructed to made up mails for California and the South Pacific, and despatch them by the *land route to New York,* in time to connect with the steamer to sail from New York on the 5th of October next; and to insure the prompt transmission of as large a portion of the New Orleans mails as possible, you will make up *daily* mails for California, &c., commencing on the 26th and continuing until the 30th instant, inclusive, and despatch the same each day to New York,

by the land route. You are also instructed to give the public notice of this arrangement.

Should Mr. Johnson fulfil his contract by departing from New Orleans, on the 8th proximo, you are also instructed to make up the mails on that date, and deliver them to him or his authorized agent, accordingly.

As the contract for mail service *via* Tehuantepec, will expire on the 30th instant, it will be impossible in the execution thereof, to complete a trip commenced at New Orleans, on the 27th instant, only three days previous to its expiration; and the Postmaster General having heretofore declined renewing the contract for that service, and not being willing to grant any extension thereof, you will omit sending any mails by that route on the 27th September instant.

I am, very respectfully, your obedient servant,

HORATIO KING,
First Assistant Postmaster General.

F. S. MARKS, Esq.,
Postmaster, New Orleans, Louisiana.

NEW YORK, *September* 19, 1859.

DEAR SIR: As there is no arrangement made by the "Johnson" party for the transportation of the mails that can be relied upon at all, I am led to believe that our agreement for the California mail service will go into effect the 5th October.

We are all ready from here, and can be ready at New Orleans to leave there on the 5th and 20th, if the department feels justified in ordering the mails to be sent from there on those days. The only object of this note is that I must have the notice at this time that I may make the necessary preparation.

Respectfully yours,

C. VANDERBILT.

Hon. J. HOLT,
Postmaster General, Washington.

POST OFFICE DEPARTMENT,
September 20, 1859.

DEAR SIR: In answer to your letter of the 19th instant, I have to inform you that the postmaster of New Orleans has been instructed to send the California mails for the 5th October by the way of New York, and to give public notice to that effect. He will also despatch mails for Johnson's line if they are called for, otherwise the trip out from New Orleans on the 5th October will be omitted.

Full instructions will in due time be given to the postmaster of New York; but every precaution will be used to avoid adopting any

measures which could by possibility be seized on by Mr. Johnson as offering an excuse for his failure.

I am, very respectfully, yours,

HORATIO KING,
First Assistant Postmaster General.

C. VANDERBILT, Esq., *New York.*

[Telegraph.]

NEW YORK, *September* 22, 1859.

Do me the favor to advise by telegraph if Johnson's contract has been revoked, or still remains in force.

Answer paid.

WM. H. DAVIDGE.

HON. HORATIO KING,
Washington.

[Telegraph.]

POST OFFICE DEPARTMENT,
September 22, 1859.

Johnson's contract remains in force.

HORATIO KING.

W. H. DAVIDGE, Esq.,
President Pacific Mail Steamship Co., New York.

NEW YORK, *September* 22, 1859.

MY DEAR SIR: Subsequently to my communication of the 21st day of July last I entered into a contract with the department to convey the mails between New York and New Orleans and San Francisco, for the nine months ensuing the 1st of October next. This undertaking was contingent upon the failure of Johnson to perform his contract to carry the mails *via* Nicaragua, and was made in anticipation of such failure.

As it is well known here that Johnson and his associates will be utterly unable to perform their contract, I, of course, stand ready to perform mine in all respects. The circmmstances which induce me to address you at this time are these: It is rumored in this city to-day that Mr. Joseph L. White, who (in conjunction with Mr. Sloo) claims to have some kind of assignment of Johnson's contract, has proposed to the Pacific Mail Steamship Company and their connecting steam company from New York to Aspinwall, to carry the mails *via* Panama, in performance of his (Johnson's) contract; Mr. White undertaking to obtain the consent of the department to such performance, in lieu of that stipulated, which was by Nicaragua. I have not permitted myself for one moment to suppose that the department would, in disre-

gard of my rights under my provisional contract, permit the Pacific Mail Steamship Company and their connecting Atlantic steamer to perform the service under an arrangement between them and Mr. White and his associates. But I have, nevertheless, felt at liberty to apprise you of the circumstances, lest, through some inadvertence, the matter might escape the attention of your department. I take it for granted that your department has not been officially informed of the fact of the inability of Johnson and his associates to perform their contract, *but it is notorious here;* and aware, as I have been, that they have no provision for the service upon either ocean, I have kept myself in readiness to perform the required service, and have made specia arrangements to that end. It would be to me a matter of great mortification if (after my intervention and provisional contract with the department) my competitors, the Pacific Mail Steamship Company, should be able to obtain the mails, to my exclusion, by means of any contrivance of any description.

I have, of course, refused to deal with these parties, and was a good deal surprised upon being informed that the Pacific Mail Steamship Company had consented to negotiate with them, especially after they must have learned, through the public press, that I had made a contract with the department providing for the contingency of Johnson's failure. Of course, their only object would be to defeat my action and, if possible, embarrass my well-known determination to open the transit by Nicaragua as soon as it is in my power to do so. If necessary to a perfect understanding of the question, and a proper appreciation of its importance, I will at once attend at Washington to make any further explanation.

Will you do me the favor to advise me of the receipt of this communication, and, if consistent with the usages of the department, lay a copy before the President.

Very respectfully, your obedient servant,

C. VANDERBILT.

Hon. J. HOLT,
Postmaster General, Washington.

POST OFFICE DEPARTMENT, *September* 23, 1859.

SIR: In answer to your letter of the 22d instant, I have to inform you that if Mr. Daniel H. Johnson shall fail to make arrangements to carry out his contract to convey the mails *via* Nicaragua, your conditional contract for the conveyance of these mails will take effect, as a matter of course. The postmaster of San Francisco has been so instructed by letter under date of 31st August, and the postmasters of New York and New Orleans will, in due time, be instructed to the same effect.

The mails will not be delivered to Mr. Johnson, nor to his order,

except upon the positive assurance that they will be carried *via* Nicaragua, agreeably to contract.

Very respectfully, your obedient servant,

HORATIO KING,
Acting Postmaster General.

C. VANDERBILT, Esq., *New York.*

POST OFFICE DEPARTMENT,
Washington, September 23, 1859.

SIR: Referring to my letter of the 10th instant, in which you were requested to place the department in *immediate possession* "of full information in respect to the arrangements made by you for carrying out your contract for transporting the mails between New York, New Orleans, and San Francisco, *via* Nicaragua," to which letter you have not as yet, after the lapse of thirteen days made any answer, I have now to inform you that unless you are fully prepared to take the mails from New York and San Francisco on the 5th, and from New Orleans on the 8th of October next, and convey them *via* Nicaragua, according to the stipulations in your contract, a provisional arrangement already concluded with another party providing for the conveyance of the California mails, in case of failure on your part to carry out your contract in good faith, will necessarily go into effect.

It is, therefore, of the highest importance that you should apprise the department *at once* of the arrangements made by you for transporting the mails *via* Nicaragua according to your contract, in order that the department may issue the necessary instructions in the premises. The mails will not be delivered to you, except upon the certain assurance that they will be transported over the Nicaraguan route.

I am, very respectfully, your obedient servant,

HORATIO KING,
Acting Postmaster General.

DANIEL H. JOHNSON, Esq.,
New York, N. Y.

POST OFFICE DEPARTMENT,
Washington, September 23, 1859.

[Duplicate.]

HORATIO KING,
Acting Postmaster General.

DANIEL H. JOHNSON, Esq.,
Salem, Massachusetts.

OFFICE OF THE U. S. AND CENTRAL AMERICAN TRANSIT CO.,
No 3 Bowling Green, New York, September 26, 1859.

SIR: Your letter addressed to Daniel H. Johnson has been referred to this company for a reply.

Mr. Johnson long since made arrangements with us for the transportation of the mails under his contract with your department, Colonel A. G. Sloo acting for us in the premises.

We are ready to transport the mails from the points *in the* manner, and according to the terms and conditions designated in the contract, and to transport them *via Nicaragua*, which we have caused to be put in complete order for the service.

We should long since have been ready, and would have named our ships, had it not been for the "provisional arrangement" made by your department, which necessarily threw doubt and distrust on our ability to perform the service, and which furnished a motive and inducement to the favored "provisional" contractor to resort to any means to defeat us in the performance of it. Indeed, such seems to have been the object of the "provisional arrangement," since every one is presumed to intend the natural consequences of his own act; and, besides this, we have the further evidence of repeated declarations, by an Assistant Postmaster General, that "no confidence was felt by the department that Johnson would carry the mails." Publicity was given to this and other similar declarations in the *New York Tribune*, the telegraphic correspondent of which seemed always to speak by authority. The contents of even your letter of the 10th instant appeared in that paper the morning of the 11th, and *your letter* did not reach him until the evening.

You cannot fail to see that such a course of conduct on the part of an *official*, although it may have precedents, of which we are *ignorant*, has an inevitable tendency to destroy the credit of those against whom it is directed. That such was the purpose of it, we can of course only conjecture, but we felt the necessity of not revealing any of our "arrangements" until it should be too late to defeat them by a "provisional" contractor, who was stimulated by the hope of future reward, *held out to him by the government*, to resort to all the means that money and machination can command for such purpose.

But, whatever may have been the *purpose* and intent of these repeated hostile declarations, and this "provisional arrangement" with one who has always proved himself the enemy of every American maritime enterprise, we repeat that we are ready to carry the mails according to the spirit and letter of the contract.

If there be any law or rule of your department requiring a contractor to furnish all the particulars of his business in the performance of his contract, we shall of course yield to it. But we had supposed that a contract once made, with proper sureties, the duty of the department ended, until a failure occurred.

Very respectfully, yours, &c.,

ISAAC C. LEA, *Secretary*.

Hon. H. KING, *Acting Postmaster General*.

P. S.—We shall, at our earliest convenience, send your letter and a copy of this reply to the President of the United States.

POST OFFICE DEPARTMENT,
Washington, September 28, 1859.

SIR: Your letter of the 26th, written as a reply to mine of the 23d instant, addressed to Daniel H. Johnson, the contractor with this department for conveying the California mail, *via* Nicaragua, after the 1st proximo, is received.

As Mr. Johnson is still recognized and held by this department as the contractor for that service, an answer to the inquiries made in my letter of the 23d instant, was expected from him, and not from any third party with whom he may have made arrangements, unauthorized by, and without the sanction of, the department.

But as you have assumed to address me in reply, and have taken occasion to animadvert on the action of the department in the matter, it is perhaps proper that I should notice your communication, simply for the purpose of explanation.

The contract with Daniel H. Johnson was signed on the 31st of May last, and contains the usual provision, inserted in all mail contracts for the protection of the government against improper and irresponsible assignees, that it shall not be assigned "without the consent of the Postmaster General." It was entered into in perfect good faith on the part of the department, and every precautionary measure taken to aid and promote its faithful execution. The Department of State was at once informed relative to the new arrangement, and requested to communicate officially with the government of Nicaragua, and secure the adoption of such measures by that government as might be necessary for the protection of the mails during their transit across the Isthmus. On the 6th of July last, the contractor was advised of the steps taken to secure the co-operation of the State of Nicaragua, in protecting the mails and passengers, and that it was important that he should "inform the department more fully and particularly than has heretofore been done, with reference to the parties in interest with you," (him,) "and all particulars relative to means and facilities of transportation, plans of operation, &c." An *immediate answer* was solicited, and a *personal interview at the department* requested, if possible, at an early day. But all the efforts of the department to obtain an interview with Mr. Johnson on that subject, or any information from him or other reliable sources, relative to his arrangements for the mail service, proved totally unavailing.

Your letter of the 22d of July last, enclosing the copy of an alleged assignment by Daniel H. Johnson to the "United States and Central American Transit Company," (of which you are secretary,) of his contract with this department, for a consideration of $35,000, ($10,000 to Johnson and $25,000 to his sureties,) contained the first intimation that any action had been taken by him with reference to his contract. But before the Postmaster General could assent to any assignment of the contract, it was proper and necessary, in view of the important character of the service to be performed, that he should be placed in possession of full and reliable information as to the ability of the proposed assignees to perform the service required; and, for the purpose of obtaining such information, he addressed to you a letter, in answer,

on the 30th of July last, stating that before he could determine the question of assenting to the proposed assignment of the contract to the "United States and Central American Transit Company" he must be informed—

"1. Who are the members of said company.

"2. A copy of the charter granted them by the Nicaraguan government must be forwarded to the department.

"3. What ships are now owned by the company, and destined for the service referred to, and within what time the arrangements for the execution of the contract will be complete."

Although you were requested to furnish at once the information therein called for, you have made no reply, either in writing or verbally, and, in the absence of the information required, the department was precluded from taking any action with reference to the proposed transfer, which could not, in the nature of the case, be allowed, except upon satisfactory information and assurance that your company were then or would be prepared to perform the required service in good faith and in a satisfactory manner.

The Postmaster General having wholly failed to obtain from the contractor any information whatever with respect to his arrangements for the performance of the stipulated service, and having likewise failed to receive any information from your company in answer to his letter of 30th July, he was forced to conclude that the representations publicly made through the press, and by communications addressed to the department, that the contractor would not be prepared to enter upon the required service at the appointed time, might prove to be correct, and it became absolutely necessary, under the peculiar circumstances of the case, and in view of the disastrous consequences which would result from even a temporary suspension of the California mails, that he should take precautionary measures in advance for keeping up this very important branch of the mail service between the Atlantic and Pacific States in the event of Johnson's failure. Accordingly, a provisional arrangement was concluded with Mr. Vanderbilt for the transportation of the California mails, contingent on the failure of Mr. Johnson to take the mails from New York and San Francisco on the 5th and from New Orleans on the 8th of October next, according to his contract. This provisional contract does not, however, in any respect interfere with the just rights of the original contractor.

With reference to the statement made in your letter, that "we should long since have been ready, and would have named our ships, had it not been for the provisional arrangement made by your department, which necessarily threw doubt and mistrust on our ability to perform the service," &c., I beg leave to remark, that at the time you were requested to furnish the information necessary to enable the Postmaster General to act upon the proposed transfer from Johnson to your company, viz: on the 30th of July last, and for a month subsequently, no such provisional arrangement had been concluded. Moreover, the department studiously avoided giving information of that arrangement until after the telegraphic despatch of the 7th of September appeared in the New York Tribune, (which despatch did not proceed from nor was it authorized by the department,) announcing that such provisional contract had been made with Mr. Vanderbilt.

But although the Postmaster General had thus wisely guarded against a failure to have the mails transported, he was anxious for the fulfilment of Mr. Johnson's contract, and continued his efforts to ascertain whether or not his wishes were to be gratified. To this end I addressed, under date of 10th September instant, a letter to Mr. Johnson in the following words, viz:

"I am directed by the Postmaster General to request your immediate attention to the importance of placing the department in possession of full information in respect to the arrangements made by you for carrying out your contract for transporting the mails between New York, New Orleans, and San Francisco, *via* Nicaragua. This matter cannot be longer delayed, and especially with reference to the service from New Orleans, the department must know *immediately* whether or not your arrangements are complete for commencing that service on the 1st of October next, agreeably to contract. An answer by return mail is requested."

To this letter no answer has come to hand; but on the 15th instant the Postmaster General received from Mr. Johnson a letter written from Salem, Massachusetts, under date of September 13, in which, alluding to telegraphic despatches in the New York Tribune of the 11th and 12th September, in regard to his contract, he asks, "if you [he] have written to me [Johnson] within two months past concerning my contract No. 3," and states that "I [he] have not received any communication from your department which remains unanswered," &c. With this letter he enclosed a copy of a letter purporting to have been written by him on August 20, 1859, and addressed to the Postmaster General, informing of an engagement made with Colonel A. G. Sloo, of Indiana, "to aid in the transportation of the mails," agreeably to his contract, and requesting that instructions might be given to postmasters on the line of the route "to deliver to said Sloo, and the servants of his company, the mail matter to be transported under his contract."

He was informed immediately, in answer, by letter of 15th instant, that his letter of August 20, of which he had enclosed a copy, had never been received by the Postmaster General, (nor has it yet come to hand,) but that instructions as to his contract had been sent to San Francisco by the last mail. A copy of my letter of 10th instant was at the same time enclosed to him at Salem, with a request to answer by return mail.

It will be observed, therefore, that whereas the department was particular to withhold all information about the provisional arrangement until after it obtained publicity from some other quarter by the Tribune despatch of the 7th September, above referred to, according to Mr. Johnson's statement, all his arrangements for carrying out his contract were completed prior to or by the 20th of August. Hence the provisional arrangement with Mr. Vanderbilt, made subsequently to that date, cannot now be urged as having been the means of delaying those arrangements on the part of Mr. Johnson, nor as throwing "doubt or distrust on your ability to perform the service;" neither does it afford any excuse either to him or to yourself for not answering the letters addressed to you respectively by the department.

With regard to your remark that "if there be any law or rule of your department requiring a contractor to furnish all the particulars of his business in the performance of his contract, we shall, of course, yield to it," I have to observe that any information touching the preparations made for performing a contract is at all times proper to be furnished by contractors, and I am not aware that it has been before refused when asked for by the department. Such information was not only proper, but particularly necessary in the present case, on account of the magnitude of the service to be performed, and the difficulties attendant upon the transportation of the mails by a new route, across the territory of a foreign country. And when your company proposed to take Mr. Johnson's contract, by transfer, it became equally important that you should advise the department with regard to your ability to perform the service. But as the contract has not been transferred, and Mr. Johnson and his sureties are the only parties relied on for its fulfilment, the department will not, of course, presume to make any further call on your company for the particulars of its business.

In conclusion, I can only say that the department looks to Mr. Johnson to carry out his contract in good faith, and it will be gratified to know that his arrangements are complete beyond the possibility of failure to secure this desirable result.

I am, very respectfully, your obedient servant,

HORATIO KING,
Acting Postmaster General.

ISAAC C. LEA, Esq.,
Sec'y United States and American Transit Co.,
No. 3 Bowling Green, New York city.

POST OFFICE DEPARTMENT,
Washington, September 29, 1859.

SIR: The Postmaster General having requested you, in his several communications dated 6th July, 10th September, and 23d September, 1859, respectively, to furnish the department with full information relative to the arrangements made by you for carrying out your contract for transporting the mails between New York, New Orleans, and San Francisco, *via* Nicaragua, and no answer having been received from you to either of said communications, you are hereby instructed to answer specifically the following inquiries:

1. What means have been provided by you for the execution of your contract for transporting the United States mail from New York and New Orleans to San Francisco and back, *via* Key West and Nicaragua? and that you specify:

2. By what steamships, and by whom such ships are owned and commanded, the mails are to be transported from New York and New Orleans to and from the Isthmus of Nicaragua, and between San Francisco and the Isthmus of Nicaragua. Also, what steamboats and land carriages are provided for performing the services across the Isthmus of Nicaragua from San Juan del Norte, thence by the river

San Juan and Lake Nicaragua to Virgin Bay, and thence to San Juan del Sur, in the state of Nicaragua.

Your answers to the above inquiries must be handed to the postmaster of New York, or his chief assistant, by Monday next, the 3d of October.

I am, very respectfully, your obedient servant,

HORATIO KING,
Acting Postmaster General.

DANIEL H. JOHNSON, Esq.,
Salem, Massachusetts.

POST OFFICE DEPARTMENT,
Washington, September 29, 1859.

[Duplicate.]

HORATIO KING,
Acting Postmaster General.

DANIEL H. JOHNSON, Esq.,
New York, New York.

POST OFFICE DEPARTMENT,
September 29, 1859.

SIR: I send you herewith a letter addressed to Daniel H. Johnson, contractor for the New York, New Orleans, and California mail service, which you will, *at the earliest moment practicable*, seal and place in his hands, if he is in Salem, and note the time, &c., of your complying with this instruction.

Respectfully, your obedient servant,

HORATIO KING,
First Assistant Postmaster General.

JOSEPH S. PERKINS, Esq.,
Postmaster, Salem, Massachusetts.

P. S.—Similar request is made of the postmaster of New York by duplicate.

POST OFFICE DEPARTMENT,
September 29, 1859.

SIR: I send you herewith a letter addressed to Daniel H. Johnson, contractor for the New York, New Orleans, and California mail service, which you will seal and place in his hands (keeping evidence of the same) at the earliest moment practicable.

Very respectfully, your obedient servant,

HORATIO KING,
First Assistant Postmaster General.

ISAAC V. FOWLER, Esq.,
Postmaster, New York.

P. S.—I have sent a duplicate, with similar instruction, to the postmaster of Salem, Massachusetts.

OFFICE AMERICAN, ATLANTIC, AND PACIFIC SHIP CANAL COMPANY,
28 *Broadway, New York, September* 30, 1859.

SIR: I deem it my duty, on behalf of the American, Atlantic, and Pacific Ship Canal Company, to apprise the department that the steamers Cass Irisarri, Catherine Maria, and Laura Francis, in the service and under the control of this company, and the property of John P. Yelverton, esq., (the president of this company,) now in the river San Juan and on the Lake of Nicaragua, will not be available for the conveyance of the United States mail to California, to leave on the 5th of October next.

Attempts have been made in Nicaragua to get control and possession of the lake steamer Cass Irisarri, and the steamer Catherine Maria, but I am informed by the Hon. General Cass, Secretary of State, by a letter dated 26th of this month, addressed to me, that the steamers Cass Irisarri and Catherine Maria had been claimed by George B. Slocum and William H. Place, but because they could not show a title of ownership their pretensions were not recognized by Nicaragua.

The steamer Laura Francis was in the possession of our agent, Mr. H. Dickson, according to a letter from him to me, dated San Juan del Norte, 16th September instant.

No application has been made to this company up to this date by any parties connected with the mail for the use of said steamers Cass Irisarri, Laura Francis, and Catherine Maria, and this company has, in the most positive manner, instructed its agent in Nicaragua not to allow the said steamers to be used for any purpose of transit either of mails or passengers, except under direct orders from the undersigned, secretary of the American, Atlantic, and Pacific Ship Canal Company.

The documents of title to said steamers are all on the books of the custom-house in New York.

This company will afford no facilities to parties who have placed themselves in hostility to our company, both here and in Nicaragua, and who, owning no boats of their own in the waters of Nicaragua, have used all means to obtain a surreptitious possession of property which does not belong to them.

We have a great interest in opening the Nicaragua route ourselves, and in due time we expect to do so.

I have the honor to remain, sir, your obedient servant,

J. E. BODY,
Secretary.

Hon. JOSEPH HOLT,
Postmaster General, Washington.

NEW YORK, *October* 4, 1859.

DEAR SIR: In consequence of the various reports touching the transportation of the United States mail to leave New York on the 5th instant, I tender to the department the use of my ships for the transportation of the whole, or any portion of the same, from New York to

California, at the same rate of pay as one voyage will bear to the whole number of trips to be made by me under my contract of August 30, 1859, provided I should hereafter carry, or not, the mails under that contract.

Yours, respectfully,

C. VANDERBILT.

HORATIO KING, Esq.,
First Assistant Postmaster General.

[Despatch.]

NEW YORK, *October* 4, 1859.

Is steamer Habana or other vessel ready to take California mails to-morrow, under the Johnson contract? Answer here.

HORATIO KING,
First Assistant Postmaster General.

POSTMASTER, *New Orleans, Louisiana.*

[Telegraph.]

NEW ORLEANS, *October* 5, 1859.

We are not advised of any arrangement for carrying the mails under the Johnson contract.

S. F. MARKS, *P.*

H. KING, *First Assistant Postmaster General.*

POST OFFICE, *New York, October* 5, 1859.

SIR: Up to this moment (10½ a. m) it is undetermined whether or not the bulk of the mails is to be sent under Johnson's contract, *via* Nicaragua; but, in any event, the mails for the South Pacific, &c., will go forward by Mr. Vanderbilt's steamer "Northern Light," and all mails that may be sent by that vessel to-day, as well as all mails which may be brought to Panama by the Vanderbilt line, you will be pleased to see conveyed across the Isthmus, at a compensation agreeably to one or other of your recent propositions, as the Postmaster General may hereafter elect. Of course, if the mail is so light as to come to less than the rate of $100,000, payment will be made by the pound. Our agent at Panama is instructed to weigh them.

Very respectfully, your obedient servant,

HORATIO KING.

DAVID HOADLEY, Esq.,
President Panama Railroad Company, New York.

POST OFFICE, *New York*, *October* 5, 1859.

SIR: The mails to be taken by your ship to-day for the South Pacific, &c., you will pass over to the Panama Railroad Company in the usual manner, and the same with reference to any mails which may be brought by your line to Panama.

In the event of the entire failure of Johnson, your conditional contract will of course take effect at once, but if a portion only of the California mails are sent by your line to-day, as contemplated by your note of yesterday, it is to be done, as proposed in that note, without reference to your contract.

Very respectfully, your obedient servant,

HORATIO KING,
First Assistant Postmaster General.

CORNELIUS VANDERBILT, Esq.,
New York.

NEW YORK, *October* 5, 1859.

SIR: In view of the new expedition set on foot by General Walker, for the invasion of Nicaragua, I have thought that it might be unsafe to send the United States mails by that Isthmus.

Under the circumstances of the case, therefore, I have to request that the mails may be sent *via* Panama, and that I and the co-sureties may be released from any penalties under the contract made with D. H. Johnson, to carry the said mails *via* Nicaragua.

In no event shall any claim be made on the government for damages under said contract.

Respectfully yours,

GEORGE IRVING.

Witness:
I. V. FOWLER.

Hon. J. HOLT,
Postmaster General.

POST OFFICE, *New York*, *October* 5, 1859.

SIR: I am in receipt of your communication of this date, addressed to the Postmaster General, asking, for yourself and co-sureties, to be released from your liability under the contract executed in May last, by Daniel H. Johnson, as principal, and yourselves as sureties, for the transportation of the California mails between New York and New Orleans and San Francisco, *via* Key West and the Isthmus of Nicaragua, and agreeing, on your parts, that in no event shall any claim be made for damages on account of the contract not being carried out.

In answer, I am instructed by the Postmaster General to accept your proposition and agree to its conditions.

Very respectfully, your obedient servant,

HORATIO KING.
First Assistant Postmaster General.

GEORGE IRVING, *Present.*

NEW YORK, *October*, 1859.

Memorandum.—Wrote to Mr. Vanderbilt to know if he can take mail from New Orleans for California to connect with the trip from New York to-day.

H. K.

Received verbal answer that he could not, as he had no vessel at New Orleans which could be used for that purpose; that he could have done it had he been notified a week or two ago; that the service will be regular from there, commencing with second trip in October.

H. K.

POST OFFICE, *New York, October* 5, 1859.

DEAR SIR: The Johnson contract is given up, they being unable to carry it out; and Vanderbilt's conditional contract for the California and other mails, of course, takes effect at once.

Very respectfully, your obedient servant,

HORATIO KING.

CHAS. L. WELLER, Esq.,
Postmaster, San Francisco, California.

No. 62.

TUESDAY, *May* 22, 1860.

WILLIAM C. BARNEY called and sworn.

By the CHAIRMAN:

Question. Where do you reside?
Answer. In New York city.
Question. Have you ever been engaged in the mail service?
Answer. I have; in the ocean steam service.
Question. Were you a bidder for the California mail contracts at the end of the last Congress?
Answer. Yes, sir.
Question. Did you get that contract?
Answer. I did not.
Question. Just give the committee a statement of the proposal you made yourself, and the proposals made by others—a history of the whole matter.

Answer. On the day that Congress adjourned I prepared a proposition to the Postmaster General to carry the mails between New York, New Orleans, and San Francisco, and filed it in the department on the 7th of March. In that proposition I offered to do the service for the postages, according to the fourth section of the act of Congress of the 14th of June, 1858. My application expressly asked that the contract should be made with me under that section of that act. I had several interviews with Postmaster General Holt upon that subject. He stated that the second section of the post-route bill, passed March 3, 1851, prevented him from making that contract with me. He then asked me to modify my propositions, which was done according to his suggestion. And on the 24th of March, 1859, I modified my propositions to do the service entirely through, including the Isthmus and all—giving the department the choice of routes—for the postages. I telegraphed to some of my party in New York, and they telegraphed me to accept such a proposition as I made. The Postmaster General declined the proposition, and said he did not consider that service an ocean service, but an inland service, and, therefore, the act of Congress of June 14, 1858, did not apply to it. He then asked me to make propositions to do it for a fixed sum. I then, at his own suggestion, on the 2d of April, proposed to do the service from the 30th of September, 1859, to the 30th of June, 1860—nine months, two trips a month—for a sum to be based upon the postages of the previous year. He then decided that he could not make any contract at all under the law of 1858; that it was an inland route, and he should ask proposals from such parties as he thought likely would desire to do the service. He then issued letters inviting proposals for carrying the mails from New York and New Orleans to San Francisco. This was handed me at the department, but there was no time fixed for handing in the proposals. But subsequently a letter was handed me, in which the time was fixed.

I made four bids; my lowest bid was for semi-monthly service between New York and San Francisco, and between New Orleans and San Francisco *via* Havana and Isthmus of Nicaragua, 23 days from New York, 21 days from New Orleans, and returning to New York 22 days, and to New Orleans in 19 days, $178,100.

The next was for the service *via* Key West and Isthmus of Nicaragua, in same time each way, $215,010.

The next was for like service *via* Havana and Isthmus of Nicaragua, embracing Savannah, Georgia, as a third Atlantic terminus, in same time, each way, $237,600.

And my fourth bid was for like service between New York and San Francisco, and New Orleans and San Francisco, steamships to run *direct* from New York and New Orleans to and from the Isthmus of Nicaragua, in 22 days from New York and 20 days from New Orleans, and returning in 21 days to New York and 19 days to New Orleans, $268,200.

There was another party who bid for the service, at $162,000.

Question. What was the name of that bidder?

Answer. Daniel H. Johnson, of New York. Mr. Vanderbilt put in a bid to do the service from New York to San Francisco, exclusive of the Isthmus, for $37,500; likewise another bid to do it from New Orleans to San Francisco, exclusive of the Isthmus, for $150,000. That made his bid $187,500, exclusive of the Isthmus, and the Isthmus was $75,000. The contract was made with Daniel H. Johnson, and when I heard it I immediately telegraphed to Washington city—knowing Mr. Johnson, and that he never would carry out the contract unless my interest was with his—and asked the Postmaster General whether, in case Johnson failed to give proper sureties, he would give the contract to me as the next lowest bidder; and my friend went to see Mr. Holt, and asked him about this, and then telegraphed me as follows:

"Mr. Holt considers refusal to execute impossible; Mr. Holt declines to answer."

In the latter part of August the Postmaster General made a conditional contract with Cornelius Vanderbilt to carry these very mails upon the terms of his two separate bids—which were irregular and informal, as he himself states—amounting to $187,500, and also a contract with the Panama Railroad Company for $75,000—making, in all, $262,500. My first bid was for $178,100.

By Mr. OLIN:

Question. Over this same route?

Answer. Over any route the department might choose.

By the CHAIRMAN:

Question. How much would the acceptance of your bid have saved to the government?

Answer. My first bid would have been a saving of over $84,000, my next bid would have been a saving of $47,000; and my next bid, which embraced an extra service—that is, a line from New York

touching at Havana, and a line from Savannah, Georgia, touching at Havana, for $237,600—would have been a saving of $24,900; three lines, one embracing the southern section of country. The contract with Johnson was to go into effect on the 5th of October. Assistant Postmaster General King came on to New York on the 3d of October. I saw him, and asked him if Johnson was going to carry the mails; he said that Johnson had notified him that he could not do it. I then told him that I would like to carry the mails, as I was the next lowest bidder; he told me that it was too late, for the department had already made a conditional contract with Mr. Vanderbilt. And here let me state another fact: that when this conditional contract was made with Vanderbilt, in August, it was telegraphed by Mr. Harvey to New York on the very day it was made by the Post Office Department, the effect of which was to break down Mr. Johnson, or that is what I suppose. I had much to say to the department about this, and all that I said I submitted in writing. I called the attention of the department to the fact that the act was passed as coming from a committee of conference of the two houses; that Mr. Sickles was upon the committee that reported this 4th section. I referred to the debates of Congress, and showed where Mr. Sickles was questioned by Horace F. Clark, Miles Taylor, and others, as to what that section applied, and it was answered that it applied to service between New York and Charleston and Savannah, and New York and San Francisco, and between ports of this country and foreign ports. I submitted likewise a brief of all the laws of the United States.

By Mr. OLIN:

Question. Do you know whether the Postmaster General consulted the Attorney General, and got his opinion?

Answer. Mr. Holt stated that he considered this an inland route, and produced an opinion of Attorney General Black upon the law of the year before. Postmaster General Brown had made a contract with the Pacific Mail Steamship Company, and when the contract was attacked, sixteen days after it was made, he got an opinion of the Attorney General to sustain him. That opinion was produced by Postmaster General Holt, and I took the liberty of laughing at it before Mr. Holt's face, and he rather laughed at it too. In this same law was an appropriation of some $300,000 for one year's service between Panama and San Francisco. The appropriation was passed under a false and fraudulent statement; for it was said that it was to carry out an existing contract, which was not the case.

Question. You say that all your communications with the department are on file?

Answer. They were on file.

By the CHAIRMAN.

Question. Have you kept copies of all your correspondence, telegraphic despatches, &c.?

Answer. Yes, sir.

Mr. OLIN. In the event that we should not get them from the department, we may want them from you; but it would be proper for the committee first to call upon the department.

The WITNESS. The copies will be forthcoming whenever the committee may call upon me for them.

No. 62.

WEDNESDAY, *May* 23, 1860.

WILLIAM C. BARNEY recalled.

By the CHAIRMAN:

Question. Do you know any of the circumstances connected with the surrender of the Johnson contract? If so, please state them.

Answer. On the 3d of October Mr. Johnson notified Mr. King that he could not fulfill his contract; that was at twelve o'clock. I then applied to Mr. King, as being the next lowest bidder, to carry the mails. Mr. King said that they had made a conditional contract with Mr. Vanderbilt; that I was too late; but he said he would send to the Postmaster General, which he did. The Postmaster General came to New York the next day. On the 6th of the month Johnson said that he had got his pay.

Question. Did Johnson tell you that he had sold out; had got money for his contract; had received pay for his contract?

Answer. He said, clapping his hand on his pocket, that he had received his pay.

Question. Did he say from whom he had got it?

Answer. He did not.

Question. Where does this Johnson live?

Answer. In New York.

Question. Was Mr. Vanderbilt engaged in transporting the mails of the United States prior to his present contract? If so, did he fulfill his contracts?

Answer. Mr. Vanderbilt was engaged in transporting mails between the United States and Europe, under a contract with the Postmaster General. He fulfilled the contract during the summer months, but did not run during the winter months.

Question. Did not the Postmaster General, in writing, state to you that Mr. Vanderbilt could not get a contract in consequence of having failed to fulfill a former contract?

Answer. No, sir. Mr. Vanderbilt was a competitor with me for the present contract. I called upon the Postmaster General, and submitted to him, in writing, objections to Mr. Vanderbilt being considered a competitor for contracts, inasmuch as he had put himself out of that line by having failed to fulfill previous contracts. I have here a copy of the letter I addressed to the Postmaster General.

By Mr. TRAIN:

Question. Have you the reply to that letter?

Answer. There was no reply. I read the letter to the Postmaster General, and left it with him.

Question. You will please read the letter for our information.

[The witness accordingly read the letter. He then went on to say:] I called the attention of the committee on yesterday to some of the laws applicable to this subject; I now wish to call their attention to another section, to which I called the attention of the Postmaster General at the same time that I called his attention to the 4th section of the act of July 14, 1858. I said that that 4th section applied to the home sea service; and I called his attention to the 5th section of the same act to show that the 4th section applied to home ocean service, and 5th section to foreign ocean service.

By the CHAIRMAN:

Question. Is the price paid Mr. Vanderbilt more or less than your first proposition for the postages?

Answer. The price paid Mr. Vanderbilt is $84,300 more than my lowest bid.

Question. How much more is it than your proposition to carry it for the postages?

Answer. It is $37,500 more than the postages, estimated by the year previous, for the nine months.

Question. Does Mr. Vanderbilt render as much service as you proposed to do in any of your bids?

Answer. In my third bid from the lowest, I proposed to run a line from New York, one from Savannah, and one from New Orleans, making three termini in the Atlantic and Gulf ports, whereas Mr. Vanderbilt has only two termini; and my bid is some $29,000 lower than his bid.

No. 64.

THURSDAY, *May* 24, 1860.

ELLWOOD FISHER called and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In this city, sir.

Question. Were you ever engaged in the transportation of the United States mails? If so, what mails, and at what time?

Answer. I was one of three trustees that managed the United States mail steamship line, carrying the mails from New York to New Orleans by way of Havana, and New York to Aspinwall—the California mails.

By Mr. WINSLOW:

Question. Who were the other trustees?

Answer. Marshall O. Roberts and James Van Nostrand, at first; and in place of Mr. Van Nostrand, Horace F. Clark, during the time when I was a trustee, which was about four years and half, ending in September, 1859.

By the CHAIRMAN:

Question. Did you make any proposals to Postmaster General Holt for the transportation of the mails? If so, what mails, and when?

Answer. Some time last spring, Mr. William C. Barney called upon me and stated that he was the agent of a steamship line then and now plying regularly between New York and New Orleans—a distinct line from the mail line—and that the proprietors of that line wished to carry the California mail as far as it would go on their route, and asked whether we could not make an arrangement, or whether I could not, to take it from Havana down to the Isthmus and from there to California; and he stated that the law gave the postages. Upon considering the proposition as suggested, I told him I had no doubt it could be done, and if he would make the proposal, I would see that that part of the route beyond the route which he was concerned for, should be provided for on those terms. I understood that he made the proposal, and upon so being informed I notified Mr. Holt that I had agreed to see that the line beyond Havana should be provided for running to the Isthmus, and from the Isthmus to San Francisco.

Question. Were you interested in that proposal?

Answer. Yes, sir.

Question. State the times of the proposals, and under what law you made them?

Answer. I do not recollect the date. It was some time last spring, in March or April. Some time in March, I think.

By Mr. WINSLOW:

Question. Did you mention what Isthmus you proposed to carry the mail on, or did you use the word generally? Was it mentioned whether it was the Nicaragua or the Panama route?

Answer. I do not now recollect whether I mentioned the route or not. I rather think not; for at that time it was uncertain which we should go on.

Question. I want to know whether the proposal used the word "Isthmus," or specified which. You say you wrote a letter to Mr. Holt, in which you agreed to take the mails from Havana through the Isthmus to San Francisco. I want to know which Isthmus it was?

Answer. I have no copy of the first letter that I wrote, I think. I am now under the impression that I referred to the Isthmus of Nicaragua as the one that I proposed carrying the mail on. I know I thought of that at the time as the most probable one.

By the CHAIRMAN:

Question. Did you have any conversation with Mr. Holt upon the subject?

Answer. Yes, sir. I had two or three.

Question. Please state all that occurred.

Answer. I find on reference to a letter that I have before me, which was written after one of the most protracted of those conversations, that it reviews all the points that were referred to in that conversation, and with the permission of the committee I will read it.

Question. You will read it for our information.

[The witness then read the letter.]

By Mr. OLIN:

Question. Is there a copy of that letter on file in the department?

Answer. I sent the original to the department, and I presume it is on file there.

By the CHAIRMAN:

Question. Do you know the amount of the postages on the California mails for the past fiscal year? If so, please state it.

Answer. I do not know except from what I think I have seen stated in the papers. My impression is that it is about three hundred thousand dollars.

Question. Do you know the price paid to Mr. Vanderbilt?

Answer. According to my recollection, it was about $250,000.

Question. Was that amount larger or smaller than the bids in which you were interested?

Answer. After the Postmaster General decided that this must be regarded as an inland service and that he must advertise, and could only make a contract for nine months, Mr. Barney again came to me and told me about it, and I told him that I would not be bound by any bid. If he pleased to make a bid, he might give me the right of refusing it; but I would not be bound by any bid under that construction of the department, that a contract could only be made for nine months, for the reason that great competition was to be expected from other companies, and a contract for only nine months did not afford much encouragement to commence a competition against companies that had become rich by high paying contracts. But I did afterwards co-operate in taking steps to execute the contract made with Mr. Johnson, understanding he was the agent merely of the parties who were engaged in establishing the Nicaragua line.

Question. Can you tell why that bid of Mr. Barney's was changed or modified? What were the circumstances connected with it?

Answer. Because the Postmaster General decided that the proposition of taking the mails for the postages was not in accordance with his construction of the law, and that he must advertise, and advertise to make a contract for nine months.

Question. Do you know anything about any money being paid to Mr. Vanderbilt by any other mail contractors, within the last two or three years; and if so, for what purpose was it paid?

Answer. During the greater part of the time that I was trustee in that line there was paid out of it to Mr. Vanderbilt ten thousand dollars a month, in pursuance of an alleged contract with him that upon the payment of that money in that way he would abstain from establishing a competing line; and the ground upon which the arrangement was advocated and excused to me by my colleagues or cotrustees was that we would thereby have a monopoly of passengers, trade, &c., and it was part of the arrangement that the Pacific Mail Steamship Company, holding the contract upon the Pacific side, between Panama and San Francisco, paid thirty thousand dollars a month for the same time and the same purpose; so that he got forty thousand dollars a month from the two mail lines to abstain from competition himself, and upon the condition that whenever any com-

petition appeared that payment should cease. And hence it was held that he was interested in preventing competition, and the terror of his name and capital would be effectual upon others who might be disposed to establish steamship lines. For my own part, I never sanctioned the arrangement, but protested against it from the beginning, and continued to protest to the last.

Question. What length of time did that arrangement continue until it was broken up?

Answer. For more than three years.

Question. According to that arrangement, it goes to show that there has been $480,000 a year paid to keep down competition, and in that way rob the government?

Answer. Yes, sir; $480,000 a year was paid.

[Mr. Winslow requested the witness to leave the room. The committee then had some consultation in reference to the investigation embraced in the examination of this witness, during which Mr. Robinson appeared in the committee room. After some time the witness was recalled and his examination resumed. The last question and answer having been read to the witness, he proceeded to say:]

In reference to that last remark, I wish to say that I did not consider that the government was robbed. My opposition to it was upon the ground that it was an illegal and unwarrantable arrangement, whereby some parties concerned in the trust were robbed for the benefit of Mr. Vanderbilt.

By Mr. WINSLOW:

Question. You were naturally fighting against it, of course; all other capitalists were, I suppose?

Answer. I was trustee of one of the parties, and I thought it was an attempt to rob him for the benefit of Mr. Vanderbilt.

By the CHAIRMAN:

Question. Is not the effect of these combinations to keep up the prices of mail and passenger service?

Answer. Yes, sir; the effect is to keep up prices; a monopoly can dictate their own prices for both mails and passengers.

By Mr. WINSLOW:

Question. Did you not offer to take the mails from Havana across the Isthmus to San Francisco?

Answer. Yes, sir.

Question. How did you expect to do it?

Answer. By another line.

Question. What line was that?

Answer. The Nicaragua route.

Question. But how could that be if there was a monopoly? You say that you and Mr. Barney and all these people were paying Mr. Vanderbilt so much a month to abstain from carrying the mails, in order to keep up a monopoly; and if that was so, how could you carry them on another route?

Answer. A party may monopolize a route, and may subject the

party or the individuals who are competing to great loss, to deter them from competition; but the way in which it was proposed to meet this monopoly in taking the Nicaragua route was in getting across the Isthmus without paying the Panama road so large an amount as is charged, and thus save money on one hand to countervail the money paid on the other hand.

Question. And you offered to take the mails through, notwithstanding this prejudice?

Answer. Yes, sir; we offered to take the mails through for the postages, via Nicaragua.

Question. Are you a capitalist?

Answer. I do not know as I know exactly what you mean by a capitalist; I am a person of independent fortune; I am worth about $200,000 over and above my debts.

Question. Do you own ships?

Answer. I have an interest in ships.

Question. I mean exclusively of this trust fund?

Answer. There were two ships—the Ohio and Georgia—that were held by me in another trust, and I was interested in the property. Mr. Sloo held the principal part of it, independent of that.

Question. Do you know Mr. Rainey well?

Answer. I have known Mr. Rainey ever since that time.

Question. Which time?

Answer. When he made the proposal.

Question. Did you ever know him before?

Answer. No, sir. I may have met him occasionally before, but not to know him intimately.

Question. Upon that short acquaintance, did you think it expedient to go into a thing in that way?

Answer. Mr. Rainey spoke of the line of which he was an agent, and I had conversations subsequently with some of them, and understood they were ready to do that part of the service.

Question. Is Mr. Rainey a man of wealth?

Answer. I do not know, sir, what his circumstances are; but I presume not, himself.

Question. Does he own ships?

Answer. No, sir, not that I know of.

Question. Do you know Mr. Daniel H. Johnson?

Answer. I can hardly say that I know him; I have met him occasionally, but I never had any dealings with him.

Question. You live in New York?

Answer. No, sir; I live in Washington.

Question. You are a good deal about New York with business people there?

Answer. I am not so much there as to be able to speak with much confidence about business men there.

Question. Do you know them by reputation?

Answer. Yes, sir; some of them.

Question. Do you suppose him to be an obscure man, from the fact that you know nothing about him in connexion with steamships?

Answer. I should not suppose that would be evidence of it. I never

heard that he was employed, except as an agent of the parties who had obtained a contract from the government of Nicaragua.

By Mr. OLIN:

Question. An agent of Jo. White & Co?
Answer. Yes, sir.

By Mr. WINSLOW:

Question. Do you know anything about Mr. Johnson's means?
Answer. No, sir; I do not.
Question. Not by reputation?
Answer. I can hardly say that. I have heard, or should infer, that he was not a man of means himself. It is now due to the committee that I should say that Mr. Sloo (who owned the principal interest in the Ohio and Georgia, and to whom, for his interest in the mail line, Mr. Roberts proposed to give $200,000 more, or two steamships out of that line) concurred in, and exerted himself very zealously for some time in getting up the Nicaragua line, in co-operation with White and myself.

By the CHAIRMAN:

Question. Do you know what course was taken by the administration in regard to the opening of the Tehuantepec route?
Answer. Yes, sir.
Question. Just state what you know about that now.
Answer. Well, sir, in March, 1857, the Tehuantepec grant from the Mexican government was held by a company organized in New Orleans, of which Mr. Sloo, I think, was the principal stockholder. It was, I think, in June that I was informed here that this administration (I state that to explain what course I took myself) had taken up the Tehuantepec question. Being somewhat concerned in that enterprise myself, (being then fitting out a steamboat for it, which afterwards started for the Isthmus,) it struck me with great surprise that the administration should interfere with it; and I went to see Mr. Buchanan, and asked him in what way he proposed to interfere, and what was the amount of that interference; and we had a general conversation. The amount of it was, that Mr. Buchanan had concluded that the work was not going on fast enough, and he thought Mr. Sloo had not acted properly with the Mexican government and certain parties in Mexico with whom he had had some dealings; and he went on to send by Senator Benjamin and Mr. La Sère a despatch to our minister at Mexico, advising or requesting the Mexican government to terminate or qualify or abrogate the contract with Mr. Sloo, and to make another one in favor of the parties with whom Messrs. Benjamin and La Sère were interested, and, as it turned out, Mr. Slidell, and Mr. Hargous, of Pennsylvania, and the thing was done. The Mexican government made no complaint of Mr. Sloo, nor had he violated his contract. Certainly not, according to the spirit of it; and preparations were then going on, and Mr. Sloo had acquired this very property that he afterwards wanted to put into the Nicaragua line, because it had been rendered useless by the abrogation of his contract in Mexico, for which he had got together about two hundred thousand dollars worth of steamship property to put upon that route,

and was ready with about one hundred thousand dollars of cash means, acceptances, and letters of credit from his own concern, to go on and complete the road. He was engaged in the work upon the road when this thing was done. The President appeared to be dissatisfied with every part of the contract with Mr. Sloo, including the making of it, and with everything that had been done, and that had not been done under it; and he instructed our minister in Mexico to procure from the Mexican government the abrogation of the Sloo contract and the making of another one with other parties, and it was done.

By Mr. OLIN:

Question. Is that really true?

Answer. Yes, sir; and I was sorry that a resolution of inquiry, introduced in the Senate and directed to the President, had not been introduced earlier, for the information came too late for Congress to act upon it, or the mischief might have been averted. I have got a copy of that despatch from this government, signed by General Cass, but, as I understand, written by the President himself. That contract was protected by the Gadsden treaty. The seventh or eighth article of the Gadsden treaty provides that the government of the United States may interfere for the protection of the route under this contract. The President saw that if he got that contract abrogated at his own request, it would forfeit the rights of the United States under that treaty, and therefore he instructed our minister, after he got the contract abrogated and another made, to get another treaty made to confirm that, and he sent him the basis of the treaty and the articles. When the thing was done, the Mexican government had availed itself of the President's eagerness to make a much worse contract; and our minister went to them with the treaty, and they told him they had considered the matter, and would rather not have a treaty. They did not think it had been expedient before to allow the United States the right of interference, and now they would not make another treaty for that route, and there is none. Now, one of the grounds upon which the President stated that he interfered was, that Mr. Sloo was not able to complete this work. Mr. Sloo never expected to be able to complete it by himself alone; but he put in about three hundred thousand dollars, to my own knowledge, to advance the enterprise. Mr. Buchanan, in his despatch, names the parties, names the arrangement they had made, and they then went on with the work; but they have broken down all to smash, and the route is desolate. The responsible parties whom he substituted for Mr. Sloo, when this thing was done in Mexico, did not appear to have that abundant capital that had been alleged in their favor, and they came to this government before they had done any work for a mail contract, and they got it.

By Mr. OLIN:

Question. These new contracting parties?

Answer. Yes, sir; Hargous and Company. They made a contract with the Post Office Department not only without the sanction of law,

but in violation of law, for $250,000 a year to carry that mail; and they have drawn the money, but were never in a condition to carry the mail across the Isthmus as the mail ought to be carried. The total amount of the postages for which they got this contract of $250,000 a year, did not equal $5,000; so that not only was the diplomacy of the country prostituted abroad——

Mr. WINSLOW. Prostituted?

The WITNESS. Yes, sir; prostituted abroad by the interference of the Executive——

Mr. WINSLOW. By the interference of the President?

The WITNESS. Yes, sir; by the interference of the President; and the Post Office Department at home was prostituted for the purpose of transferring a valuable contract to one class of men who were personally more the favorites of the administration than another class.

Mr. WINSLOW. These are brave words.

Mr. OLIN. That is pretty plain talk, Mr. Fisher.

The WITNESS. Well, sir; it is true.

CALIFORNIA MAILS.

No. 65.

FRIDAY, *May* 25, 1860.

WILLIAM H. DAVIDGE called and examined.

By Mr. WINSLOW:

Question. Are you the president of the Pacific Mail Steamship Company?

Answer. Yes, sir; I am president of that company and have been for four years.

Question. Do you know William C. Barney, commonly called "Chase" Barney?

Answer. I do know him, sir.

Question. Is he a capitalist?

Answer. Not to my knowledge.

Question. Is he a man of property?

Answer. Not to my knowledge, sir.

Question. Has he not the reputation of being a man of no property?

Answer. I have heard it so represented.

Question. Does he own ships, to your knowledge?

Answer. I think not.

Question. Are you intimately connected with shipping between here and California—the transit routes?

Answer. I cannot say that I am intimately connected with them; I have a general knowledge of other shipping, besides that controlled by our company—perhaps as general as anybody else; I make it a rule, however, to mind my own business.

Question. What capital do you suppose it would require to put on

and maintain a line of steamers from New York and New Orleans to Panama, and from the other side to San Francisco, making two trips a month in the usual way, twenty-one days being the time allowed?

Answer. It would not be safe to undertake it with less than a million and a half of dollars, in first class ships.

Question. Had you been Postmaster General and proposals were made by Chase Barney in April, 1859, to carry the mails as they are now carried, from New York and New Orleans to the Isthmus and thence to San Francisco, the ships to be put on in October, would you have rested upon his assurance that he could perform the service, and would you have made such a contract with him?

Answer. I would have accepted the proposal of no one who to my certain knowledge had not steamers built or ready money to purchase them.

Question. Was it not notorious that he could not do it?

Answer. I think he was looked upon more as an attorney in such matters than as a capitalist.

Question. Was he not looked upon as what is termed a "striker?"

Answer. I would rather not answer that question; my personal opinion of him would not be evidence, and I would rather not give it.

Question. Your own personal opinion would not be evidence, but I am speaking of the general opinion expressed of him in New York?

Answer. I do not think I could say anything upon that subject. The circle in which I move in New York have not much confidence in Mr. Barney. I do not know who his friends are; he may have friends who think better of him.

Question. Had any application been made to you as president of the Pacific Mail Steamship Company to carry the mails on the other side in case he got the contract?

Answer. There were repeated suggestions made by Mr. Barney, and he represented that he had the lowest bid or the next to the lowest bid. I would not be positive as to that, however. That was immediately after the award of the contract to Mr. Johnson. A proposal was afterwards made to me by Mr. Jo. White, who, I believe, was connected with Mr. Johnson. He represented to me that they had vested rights in the transit; that they were all ready to carry it out, and all they needed, if they could make one trip they would secure their contract, but after their first trip they had provided means to run the contract. He then asked me whether our company would not take part in this matter. I told him our company would on one condition; and that was, that he should pay the charter money of the ship to go up to carry his mails from Nicaragua to San Francisco, and he should pay that money before the orders left New York. That continued—it was a matter of a good deal of detail and conversation and management upon his part—that continued up to 12 o'clock on the last day on which the first mail was to leave New York. I think it was the 5th of October, but I am not so positive as to that. Mr. King, the Assistant Postmaster General, was in New York—a man whom I have known a great many years—and he told me he did not want Mr. Vanderbilt to have the mail if he could rely upon Mr. Johnson's carrying out his contract. I told him what had transpired, and

told him if at 12 o'clock the money was not deposited I would give him information. At 12 o'clock I told him that our company had made no arrangements to carry the mail. That is the history of that transaction in brief. Our company is the owner of thirteen steamers upon the Pacific, and we could have employed one of the steamers in this way. The proposition by Mr. White was that he had a steamer secured upon the Atlantic, and it was only necessary to have a steamer upon the Pacific; and if the expense of doing that had been secured I should not have objected to its being done.

Question. Then no arrangement was ever concluded between you and White?

Answer. No, sir.

Question. Are you concerned in the railroad across the Isthmus?

Answer. I have been a stockholder in it, but have not been concerned in it as a manager.

Question. You know something about the business of that company?

Answer. I cannot say that I know it intimately.

Question. Do you know whether any arrangement had been made by the Panama company with Mr. Barney to take the mails across the Isthmus?

Answer. None would be necessary. The charter of the Panama company is from New Granada. They have certain privileges, and among others that of carrying the mails across the Isthmus of Panama. They had had a contract at that time with the government, which was at the rate of $100,000 a year, and had expired; and they had evinced in writing their willingness to carry the mails at the rate of twenty-two cents per pound; so that no formal contract would have been necessary to get the mails across. The mails go on the Isthmus of Panama from foreign governments; in case there is no contract they carry it for so much a pound.

Question. What I mean to say is that there was no contract between Mr. Barney and the Panama company?

Answer. I am confident that there was no arrangement existing.

Question. Do you know Mr. Daniel H. Johnson?

Answer. I have never seen him to speak to him but once. He then seemed to know me very well, but I never remember to have seen him before.

Question. Do you know anything about his pecuniary abilities?

Answer. Not of my own knowledge.

Question. From reputation, then?

Answer. From reputation I should not suppose his pecuniary abilities were very great. I have understood that he was a broker in New York, and not a capitalist.

[Mr. OLIN here appeared in the committee room.]

Question. Had any offer been made by him to the companies you were connected with to take the mails for him?

Answer. There was no certain arrangement, to my knowledg There were constant rumors from week to week, of arrangements having been made, or being about to be made; I investigated some of them and found them so often fallacious that at length I ceased thinking of the matter.

Question. None was made, you think?

Answer. None to my company; and not to my knowledge with other parties.

Question. I see from this document before me that on the 22d of September you telegraphed to the department, asking for advice if Johnson's contract had been revoked, or if it remained in force; and upon that day a telegraphic despatch was sent to you stating that the contract did remain in force?

Answer. Now that you mention the fact, I recall it to mind.

Question. Now could you tell me, unless it is an impertinent question, with what view you telegraphed to the department at that time? I do not want to interfere with your private matters, and will not press the question unless you are willing to answer it.

Answer. I am perfectly willing to tell every thing I know. Will you allow me to look at that document. [After looking at it, the witness continued.] We had been contractors with the government since 1849; we were pioneers on the Pacific, and I felt exceedingly mortified that this service should pass out of our hands. I had no confidence myself in the abilities of these contractors to carry out their contract—that was my individual opinion, and it was the constant representation of those with whom I came in contact. I supposed that if the contract should not be carried out the service would naturally fall into our hands. We were upon the spot to perform it, and sought every means to obtain information about the matter; and now that I see this telegraph, it refreshes my recollection, and I could now answer more fully than I have done as to the arrangements with Johnson. This is a subject that I have not thought of for a long while.

Question. Suppose you had been Postmaster General, and a contract had been made with Johnson to carry the mails, as was made with him, with your notions of Johnson's inability to carry it out, and you had supposed it proper to make some provisional arrangement in case he failed, of the two men, Messrs. Barney and Vanderbilt, which one would you have made that provisional arrangement with?

Mr. OLIN objected to that question, and after some discussion it was withdrawn.

Question. Do you know Mr. Vanderbilt?

Answer. I do, sir.

Question. Is he a capitalist?

Answer. He is one of the largest capitalists that I know of.

Question. Does he own ships?

Answer. Yes, sir, a great many.

Question. Upon this side or upon the other side?

Answer. On both sides; or perhaps I should qualify that a little. He has until recently owned ships on both sides; at the time you speak of there were ships on the Pacific under his control—two ships, which I understood to be the property of his son, William Vanderbilt, and two other ships, the property of Mr. Garrison, were under his control. The difficulty in getting that service performed would be in getting tonnage to the Pacific in time to do the service.

By the CHAIRMAN:

Question. How do you know that he controlled these ships—what evidence have you of that?

Answer. I know it from his declarations, sir, and from the general facts that come to my knowledge in the course of my business. I cannot say that I know it absolutely, but I have no doubt of it.

By Mr. WINSLOW:

Question. In July Mr. Vanderbilt entered into a contract to carry the mails from New York and New Orleans across the Isthmus to San Francisco, in the way they are now carried. From his pecuniary abilities, and all you know about him, would you not have perfect reliance upon his ability to carry out that contract in October?

Answer. Most assuredly I should.

Question. Could you have had the same confidence, in the same manner, as regards Mr. Barney?

Answer. I should have that confidence in Mr. Vanderbilt which I would have in very few men living, in a matter of that sort. In regard to Mr. Barney, I should very much want to know whom he represented before having any confidence in him.

By the CHAIRMAN:

Question. Do you know who Mr. Barney represented?

Answer. I have no knowledge upon the subject.

By Mr. WINSLOW:

Question. Do you know anything about his ever offering to sell out his contract?

Answer. I do not know whether it amounted to a proposition for the sale of his contract. He came into my office two or three times, and he made the proposition that I might take his bid and perform the service. I think he told me that somebody connected with the Johnson contract would put it in my hands, and I replied that I would not give sixpence for it, or something of that sort. I state this as my recollection of a random conversation held a good while ago, to which I attached very little importance at the time, and have attached very little since.

Question. Do you know anything about an application of Mr. Johnson to the Pacific Mail Steamship Company to take the mails for him?

Answer. Yes, sir; I answered that just now. It was not an application from Mr. Johnson; it came to our company from Joseph L. White. I believe Mr. Sloo came down to see me on that day; either it was to tell me that they had no money or that they had money, I do not know which.

Question. Do you know Mr. Sloo?

Answer. I have known him a good many years.

Question. Do you know anything about his pecuniary abilities?

Answer. I do not, sir. I have understood that his affairs were embarrassed, but he has some claims upon the United States Mail Steamship Company. I know that of my own knowledge. What

those claims are worth I do not know. I think he represents some very large figures.

By the CHAIRMAN:

Question. Do you know anything about the responsibility of Mr. Johnson's sureties?

Answer. I am not sure that I recollect who they are, sir.

[Mr. WINSLOW stated that they were Hiram Grimes, George White, and George Irving.]

I cannot express any opinion; I do not know as to that.

Question. Do you know of any effort being made to collect the forfeiture by the government?

Answer. No, sir. I cannot see, possibly, how such a thing could come to my knowledge.

Question. Did Mr. Fisher call upon you at any time, to see if you would carry out Mr. Barney's contract in the event of his getting it; and if so, did you say that you would?

Answer. I never said that I would to any one.

Question. Well, sir, did he call upon you for that purpose?

Answer. Whether he called upon me or not I really cannot recall. I can remember much better with regard to the transaction you refer to than particular visits, because I sometimes see fifty men in the course of the day.

Question. Did you do anything to induce Mr. Fisher to believe that you would carry out the contract if it was awarded to him?

Answer. I will answer that by referring to my answer to Governor Winslow, which gave the whole occurrence.

Question. I have another question to ask. Were you a party to paying Mr. Vanderbilt forty thousand dollars a month to keep off competition?

Answer. The Pacific Mail Steamship Company was a party to an arrangement with Commodore Vanderbilt for the regulation of their steamship business in New York, and under this arrangement the sum of thirty thousand dollars a month passed from that company to Commodore Vanderbilt. The arrangement was based upon there being no competition, and the sum was regulated by that fact. I should be inclined to take exception to the terms in which you ask the question, and should rather go into an explanation of our own business to show how it was done.

Question. Please to state for what period of time that arrangement continued.

Answer. The arrangement by which more or less money passed from our company to Mr. Vanderbilt existed from March or May, 1856—I do not remember which—until the latter part of——It is difficult for me to answer this question in detail without particular reference to a series of matters running through several years, and which I think ought to be confined to the office of the company. Nevertheless, I will try to give you an answer.

Mr. WINSLOW. I have no objection, personally, to any investigation with regard to the private affairs of Mr. Vanderbilt or of the Pacific Mail Steamship Company, but I hold that there is not a particle of

authority given to us in the resolutions to investigate this matter in the slightest degree.

By the CHAIRMAN:

Question. What effect must these combinations necessarily have upon the interests of the government and the people at large; is it not to increase the price of service of any kind passing through the mails—all kinds of service?

Answer. I shall have to give a lengthy answer to that question, if I answer it at all.

Question. Do not these combinations to keep off competition have a tendency to increase the cost of transportation for the government as well as the people?

Answer. The date of that contract of the Pacific Mail Steamship Company with the government was the 1st day of October, 1848, and that contract expired.

Question. That is not an answer to the question.

Answer. I am going on to answer it; that contract expired on the 1st day of October, 1858; it was extended until the 1st day of October, 1859, because the contract with the connecting line on the Atlantic expired on the 1st day of October, 1859; on the 1st day of October, 1859, there was no arrangement of any nature whatever existing between the Vanderbilt and the Pacific Mail Steamship Company; I believe that conveys a clear answer to the question.

By Mr. TRAIN:

Question. What other party paid money to Mr. Vanderbilt besides the Pacific Mail Steamship Company?

Answer. The arrangement was between the United States Mail Steamship Company and —— here I am a little in error in using the name of that company, because there were legal complications, trusteeships, &c.; I spoke of it as a legal corporation, meaning those who represented it; it was between them on the Atlantic ocean and the Pacific Mail Steamship Company.

Question. Do you mean that those parties paid money to Mr. Vanderbilt?

Answer. I have no knowledge that they paid it; they agreed to pay it.

Question. What was the agreement between your company and Mr. Vanderbilt in reference to the amount of money that he should receive?

Answer. It was to be thirty thousand dollars a month upon the part of our company; my understanding was that it was ten thousand dollars a month upon the part of the other company.

Question. Now for what was that money paid to Mr. Vanderbilt?

Answer. That brings up the subject that I mentioned just now; if you wish me to answer that I shall have to go into a good many details in order to explain the business thoroughly; I will answer generally, that it was a matter for the arrangement of the steamship business.

Question. Was not one element in it an agreement on Mr. Vander-

bilt's part that he should not interfere with the mail contracts with the government, or become a competitor for those contracts?

Answer. There was no specific element of that sort.

Question. Was there no such understanding?

Answer. A part of the understanding was that Mr. Vanderbilt should not run his steamships upon the route to California; the business between New York and California, as I explained to Governor Winslow in the beginning, requires a great deal of capital. If two lines are run there cannot be less than three millions of capital, and it may run up as high as four or five millions of capital. Men may have different opinions as to the effect of such an arrangement. By that arrangement, a million and a half of capital would have to be supported—one-half of the capital, rather—besides whatever passed to Mr. Vanderbilt. Therefore, when you ask me my opinion as to injuring the public or injuring the government, I want to go into explanations; because the government, I take it, ought to pay fair prices, and we never expected them to pay anything more for carrying the mails.

By the CHAIRMAN:

Question. Please to state what the government did pay for mail service at that particular time under that arrangement—the service from New York to San Francisco?

Answer. You must get the others to answer for themselves, and I will answer for myself; the government paid the Pacific Mail Steamship Company $348,250 for the service between Panama and Oregon, a distance of over four thousand miles, twice monthly.

Question. What other payments did they make; what did it cost to carry the mail through?

Answer. I cannot answer that specifically, sir, because I am not a manager of the railroad company, and could not tell what they received.

Question. Did it run up to a million of dollars or near it, in your judgment?

Answer. If you were to ask me to state to the best of my belief, I would say that the sum on the contract between New York and New Orleans, by way of Havana, and between Havana and Aspinwall, in other words, from New York to Aspinwall, and the line from Havana by way of New Orleans, to the best of my knowledge amounts in all to $299,000 a year.

Question. And what for the overland service?

Answer. For the Panama railroad I judge that they received $100,000, because they never consented to receive less.

Question. Well, put it all together; how much does it amount to?

Answer. About $750,000 a year, including the service to New Orleans.

Question. What does that service cost the government now, since this arrangement terminated?

Answer. Up to the 5th of October, 1859, the government paid precisely the same amount, because it was a matter of contract of many years standing.

Question. I mean under the new contract?

Answer. I refer you to the terms of the Vanderbilt contract; I believe the compensation of the Panama railroad is just the same.

Question. Has not the government a good deal more service rendered now for two hundred and some odd thousand dollars a year than it had for seven hundred and some thousand under that arrangement?

Answer. No, sir; on the contrary they have less; because on the Pacific ocean the contract now merely extends to San Francisco, while then it extended to the Columbia river in Oregon; on the Atlantic ocean, as I understand it, Mr. Vanderbilt does the California service of New York and New Orleans, but he does not do any service between New York and New Orleans, which is an element in the previous contract. The original contracts were made for this California service at a time when the whole Pacific coast was a wilderness, and no steamer had ever been put on; and the routes were based somewhat upon that.

By Mr. WINSLOW:

Question. Travel has increased since then?

Answer. Yes, sir; travel has increased, for at that time the gold was not discovered.

By the CHAIRMAN:

Question. What effect has the arrangement had upon travel; has it lessened the fare for passengers or increased it?

Answer. Of course the prices for passage are less when there is any competition.

Question. How much less are they than when that arrangement lasted? Give us the prices of each time as near as you can.

Answer. During the competition the prices were ruinous.

Question. How high were they?

Answer. I could not name them without looking at our book.

Question. Since the competition ceased how have they been?

Answer. Well, sir, we have tried to make them remunerative; I will state here, with reference to this species of property in steamships, in the first place it requires the investment of a large amount of capital; it also requires some skill in its management, and the investment is rather a hazardous one; so that the remuneration must be large or else the property is not worth holding; the average life of a steamship is not over ten years, and during that time she must make money or the property is not worth having.

Question. In your testimony you represented something equivalent to this—that if a service was rendered by a million and a half of money it could be done cheaper than if there had been three millions employed; now, what I mean to get at is, did you not do the service cheaper when there was a million and a half of capital than when there was three millions?

Answer. I do not understand the question.

Question. My experience in transportation is, that where you buy off parties at enormous prices you have got to add it to the price of the service you render; has not that been the case in these transac-

tions with which you are connected; had you not to put that upon the charge for travel and service?

Answer. My answer is this: that if two lines were running between New York and San Francisco, the probability of their running at fixed and remunerative rates would be very small indeed; I might say it was almost impossible with a man whose experience in life has been such as Mr. Vanderbilt's has been. The answer that I gave just now was this: That if two lines were run, you would employ the capital necessary for two lines, and you would have the running expenses necessarily incident upon two lines; so that if Mr. Vanderbilt's line had been running at the same time with the line of the Pacific Mail Steamship Company, it is very clear to my mind that if both companies had remunerative rates the public would be taxed more than they would be to sustain one line remuneratively and pay the bonus to Mr. Vanderbilt besides. That is my answer, as I intended to be understood.

By Mr. WINSLOW:

Question. Mr. Vanderbilt had a line from Nicaragua, had he not?

Answer. Yes, sir; some years ago.

Question. He was competing with the other lines, was he?

Answer. Yes, sir.

Question. And that competition produced ruinous results to both companies?

Answer. Yes, sir.

Question. If two lines were established between New York it would take exactly double the capital to carry them on that it would take to have one line only do the business?

Answer. I would not say that it would take double the capital, for the opposition line is generally an inferior one; but it would take a large additional capital.

Question. And to remunerate the owners of both lines the prices must be raised?

Answer. Yes, sir.

Question. And that would result in a heavy tax upon the public?

Answer. Yes, sir.

Question. And the result would be that it would be better to have one line only rather than two?

Answer. Yes, sir; it would.

Question. Do I understand that any arrangement was made between the Pacific Mail Steamship Company and Mr. Vanderbilt for the purpose of forcing the government to pay more than they ought to pay for transporting the mails?

Answer. Not to my knowledge. I may appear a little prosy in my answers, but as I happen to represent a corporation of $4,000,000 of capital, I want to give my answers so that those interested in the corporation may understand them, if they ever see them.

Question. Is there anything more that you desire to say upon the subject of this arrangement?

Answer. Do you mean the arrangement with Mr. Vanderbilt?

Question. Yes, sir. Do you desire to say anything more about it?

Answer. I may after having seen what I have already said.

Question. You would be at liberty to do so in writing, I presume.

Answer. I think it is apparent to you all what my motive is in my answers, and that is simply to state what I say that it may be plainly understood.

No. 67.

FRIDAY, *May* 25, 1860.

JAMES E. HARVEY called and sworn.

By Mr. WINSLOW:

Mr. WINSLOW read to the witness that portion of Mr. Barney's testimony which referred to Mr. Harvey's having telegraphed to New York the conditional contract made with Mr. Vanderbilt for carrying the California mails.

Question. What do you know about that?

Answer. All I can say about that is simply this: my recollection of the matter is very imperfect, and could only be revived by my reading my correspondence upon that subject to the "North American" at that time, in which I treated the subject more elaborately than I did in the brief telegraphic despatch I sent to New York, if I did send one. This subject at that time was one of large public interest both to Philadelphia and New York, and to the whole commercial community. Of course I took occasion to inform myself from the best sources whether the mail was to be stopped at the expiration of the contract or to be continued, and how continued. Therefore I applied to the best sources of information in order that the commercial community should have the benefit of it. If I sent such a despatch I should want to read it before I speak in regard to it.

Question. Did you ever communicate to Mr. Barney that you sent such a telegraphic despatch to any paper?

Answer. No, sir; if I sent such a depatch you may take it for granted that I sent it believing it to be so, and that I got my information from the best sources. As to the struggle between these parties, I cared nothing about it at all.

Question. Do you know Mr. Chase Barney?

Answer. I know him generally; I had a limited acquaintance with him many years ago.

Question. Do you know him now by reputation?

Answer. Yes, sir.

Question. Is he a capitalist?

Answer. Not that I ever have heard.

Question. Is he a man of any means?

Answer. I should judge not, from what I have heard from some of his own relations.

Question. Should you judge so from his general reputation?

Answer. I should judge not.

Question. Does he own any ships?

Answer. Not to my knowledge.

Question. Is not Mr. Barney's reputation what we in common parlance call that of a "striker?"

Answer. I have regarded Mr. Barney, in connexion with these public matters, as rather a speculator or adventurer; perhaps "speculator" is the proper word.

Question. Do you know Daniel H. Johnson?

Answer. No, sir, I do not.

Question. Do you know Cornelius Vanderbilt?

Answer. I know him slightly personally, and very well by general repute.

Question. What is his reputation for pecuniary ability?

Answer. He is regarded as among the most wealthy men of the country.

Question. What is his reputation for ability in managing steamship matters?

Answer. So far as my knowledge and opportunities of information go I should say he was among the most skilled and competent men, being the architect of his own fortune, and having risen as a steamboat man to his present distinction.

Question. Can you say, from your best recollection, that if such a despatch was sent by you the information was not furnished to you by the Postmaster General?

Answer. From general recollection I think I can safely say that.

Mr. Harvey, upon examination of the foregoing testimony, desires to say, that since he appeared as a witness on the 25th of May, he has taken occasion to inform himself more particularly in regard to the questions propounded by Mr. Winslow. After inquiring in Philadelphia he discovered that his last letter to the North American was written on the 31st of July, and that he left this city a few days after. The despatch attributed to him by Barney, as having been sent from Washington to New York, in regard to the provisional contract of the Post Office Department with Commodore Vanderbilt, was not sent by him, for at that very time, and for several weeks before and after it, he was in Brattleboro', Vermont.

JUNE 4, 1860.

No. 62.

SATURDAY, *May* 26, 1860.

WILLIAM C. BARNEY recalled.

By the CHAIRMAN:

Question. You stated in your former testimony that you made proposals on the 5th of March, 1859, to the Postmaster General to transport the mail. Were the proposals signed by guarantors?

Answer. They were not, sir. I will remark that the proposals were

dated the 5th of March, and were filed on the 7th. The proposals contain this clause: "I am prepared, upon ten days' notice, to enter into proper sureties to carry out my proposals."

Question. Was any person interested with you; and if so, who were they? With whom was you connected?

Answer. The New York and New Orleans Steamship Company, composed of Livingston, Crocheron, Lockwood, and Meade, were interested with me in making these proposals, and agreed to do the service between New York, Havana, and New Orleans. The other part of the service was to be done by Elwood Fisher, Mr. Sloo, and others.

Question. What were your relations with the parties whom you first named—Livingston & Co.?

Answer. My relations with them were these: I was concerned with them in Europe. I made proposals to carry the mails between Bordeaux and New Orleans, and raised $400,000 for that purpose. They agreed to raise one-half of the money, and I had the other half. That was my connexion with that matter.

Question. Have you copies of those proposals?

Answer. Yes, sir.

Question. Were your bids that you put in under these proposals to the Postmaster General signed by any guarantors?

Answer. The four bids that I put in under proposals invited by a letter from the Postmaster General, addressed to me, were signed by two guarantors, whose sufficiency was certified to by Postmaster Fowler, of New York.

Question. Did you ever obtain a contract for transporting the mails from the Postmaster General? If so, state between what points, and for what compensation?

Answer. I obtained a contract from Postmaster General Brown.

Question. Between what points?

Answer. Between New York, New Orleans, and Havana, for two years; the compensation was the postages, under the law of the 14th of June, 1858. This was immediately after the passage of the law; it was the first contract under the law. The contract will expire on the 30th of next June, and the service has been faithfully performed. Only one trip was lost, which was in consequence of the loss of the steamship Black Warrior.

By Mr. WINSLOW:

Question. What line was that of which you are speaking?

Answer. The New York and New Orleans Steamship Company.

Question. In what business are you engaged?

Answer. I am engaged now in getting up a line from New Orleans to Bordeaux; I have been engaged in that enterprise for some five years past.

Question. Where do you live?

Answer. In New York city, sir.

Question. Do you keep house or board?

Answer. I have been keeping house.

Question. What ships do you own?

Answer. I do not own any.

Question. Did you ever own any?

Answer. No, sir.

Question. What reliance did you have that you could perform this contract for carrying the mail between New York and San Francisco?

Answer. I had Crocheron, Livingston, & Co. to carry it between New Orleans and Havana.

Question. How was it to go from there?

Answer. Elwood Fisher agreed with me to do the rest of the service.

Question. From Havana?

Answer. Yes, sir.

Question. What was the nature of that arrangement between you and Mr. Fisher?

Answer. I merely asked Mr. Fisher to do it, and I was to have had no consideration paid me for it. I merely wanted him to do that part of the service.

Question. He was to have the whole contract from Havana through?

Answer. Yes, sir.

Question. Did you have any conversation with Mr. Fisher when you made the contract? Was it made at his instance and with his approbation and consent?

Answer. I threw up my proposals, and submitted it to him.

Question. Did you have any conversation with him on the subject before you submitted it to him?

Answer. Yes, sir.

Question. I distinctly understand you to say that you had a conversation with Mr. Fisher before you filed your proposals; and when you filed your proposals the understanding was that Livingston & Co. should do the work to Havana, and Mr. Fisher was to do it from Havana to San Francisco, and he was to have the benefit of the whole of that?

Answer. Yes, sir.

Question. Did you advise the Post Office Department of that?

Answer. In the presence of Mr. Fisher I did.

Question. What ships did Mr. Fisher have?

Answer. Mr. Fisher acted as trustee for Mr. Sloo.

Question. Acted as trustee for Sloo?

Answer. Yes, sir.

Question. Did he have any ships?

Answer. Mr. Fisher had the control of one-half the ships—that is, all the ships belonging to Mr. Sloo—one-half of the ships belonging to the New York and United States Mail Steamship Company.

Question. You mean that he had control of all Mr. Sloo's ships, which were half of the ships of the other company?

Answer. Yes, sir.

Question. Will you name what ships they were?

Answer. There were five of them—the Illinois, Moses Taylor, Empire City, Philadelphia, and Star of the West.

Question. Where were these vessels at that time?

Answer. They were in New York, engaged in carrying the mails.

Question. Where?

Answer. From New York and New Orleans to Aspinwall.

Question. Were they all employed upon that line?

Answer. They were all employed, but some of them might have been lying idle temporarily.

Question. What ships did Mr. Sloo have upon the Pacific side?

Answer. None that I know of, sir.

Question. How long does it take a vessel to get fitted out at New York, and go round the Horn to San Francisco? What would be the usual voyage?

Answer. It has been done in sixty days, but eighty ought to be allowed on the average.

Question. What capital do you suppose would be necessary to maintain a line in efficiency on those routes, under the proposals that you made from New York to San Francisco?

Answer. Two ships would do that part of the line between New Orleans and Havana—say $300,000.

Question. I want to know the whole amount of capital that would be necessary to maintain these lines, or either of them that you offered for, from New York to San Francisco, in a state of efficiency?

Answer. One million of dollars.

Question. What are your pecuniary means; what are you worth?

Answer. I have no property at all.

Question. You are not worth anything?

Answer. No, sir.

Question. You are not a capitalist?

Answer. No, sir.

Question. With what capitalists are you associated?

Answer. With Crocheron, Livingston & Co.

Question. How much are they worth?

Answer. About half a million dollars, sir.

Question. Have you the control of that capital?

Answer. No, sir.

Question. Are you a partner in their line from New York to New Orleans?

Answer. No, sir.

Question. How do you stand affected towards that line; what is your situation or connexion with it?

Answer. I have been acting for them as agent for about two years and a half.

Question. What compensation did you get?

Answer. They gave me two thousand dollars.

Question. Two thousand dollars a year?

Answer. No, sir; they gave me that some two years ago. Since then I have not done anything for them.

Question. You were not in their employment when you made these proposals?

Answer. Yes, sir; they were made during that time.

Question. When did your agency expire?

Answer. I began with them just before the adjournment of Congress, in 1858. I believe it was just a year, sir.

Question. Then your agency had expired when you made these proposals?

Answer. No, sir; Congress adjourned in June, 1858, and it was during that year, sir.

Question. The year from June, 1858, to June, 1859?

Answer. Yes, sir.

Question. When was it that you made these proposals?

Answer. In March, 1859.

Question. And you say that you got two thousand dollars for your general services?

Answer. Yes, sir.

Question. You got no more than that, did you?

Answer. No, sir.

Question. Was it by the year that you were employed?

Answer. No, sir; it was not by the year.

Question. How was it then?

Answer. They asked me to attend to certain business in Washington with regard to mail contracts.

Question. So you got two thousand dollars to attend to certain business in reference to mail contracts?

Answer. Yes, sir.

Question. Please to state what business that was?

Answer. I got the contract that I named before, to carry the mail between New York, New Orleans, and Havana.

Question. You procured that for them?

Answer. Yes, sir.

Question. You tried to get other contracts also, did you not?

Answer. Yes, sir.

Question. Did you succeed in doing it?

Answer. No, sir.

Question. Your engagement with them was then at an end?

Answer. No, sir; then I made application for this contract.

Question. That was part of your service for the compensation of two thousand dollars?

Answer. Yes, sir.

Question. When you succeeded in that, it was paid over?

Answer. Yes, sir; they gave it to me for my expenses and services.

Question. Did you inform the Postmaster General of the relation in which you stood to this firm—that you was merely acting as their agent?

Answer. No, sir; I did not.

Question. How long have you been here this session?

Answer. I came down on Monday last.

Question. And you proposed to stay until Congress adjourned?

Answer. I did, sir.

Question. Have you any engagement here now?

Answer. I have an application before Congress for the establishment of a line from New Orleans to Bordeaux.

Question. Who are you acting for in that in matter?

Answer. I am acting for myself.

Question. And you propose to carry the mail from New Orleans to Bordeaux?

Answer. Yes, sir.

Question. Have you made proposals to the Postmaster General?
Answer. No, sir; they are to Congress.
Question. In what shape—in the shape of a memorial?
Answer. Yes, sir.
Question. When was it filed?
Answer. On Monday last; it was presented by Senator Benjamin in the Senate, and Hon. Miles Taylor in the House.
Question. And you are not concerned with any body at all in that matter?
Answer. Mr. Lockwood is concerned with me.
Question. Who is he?
Answer. He is one of the firm of the New York and New Orleans steamship company.
Question. The same individual that you mentioned before?
Answer. Yes, sir.
Question. What interest did each of you have?
Answer. I was to own one half of the line.
Question. But you stated just now that you had no capital?
Answer. I have $400,000 at my disposal.
Question. To whom does it belong?
Answer. To a house in Bordeaux.
Question. What is the name of the house?
Answer. A. Olivari.
Question. Were they to be partners with you?
Answer. No, sir; they lent me the money.
Question. What security did you give them?
Answer. They gave me the money to build the ships, and took a lien on the ships as security.
Question. When did you expect to build the ships?
Answer. Not until I got the contract.
Question. When does your memorial ask that the contract shall go into operation?
Answer. It does not state any fixed time.
Question. Then you put in a general memorial to take a contract to carry the mails to Bordeaux, and expect to build the ships to perform the service in?
Answer. Yes, sir; as is usually done—we do not expect to commence in less than twelve months.
Question. Can you build four ships in twelve months?
Answer. We only want two.
Question. Do you expect to have them done in twelve months?
Answer. Yes, sir.
Question. And you are asking Congress to pass a law authorizing the establishment of a line to Bordeaux, when you have got no ships to carry the mails in?
Answer. Yes, sir.
Question. And you are to get no compensation from any one whatever?
Answer. No, sir; I have been five years devoting my time to that enterprise.
Question. Are you to put two ships on yourself?

Answer. Yes, sir.

Question. What is this other gentleman to do?

Answer. He is to build one extra one—we are to have three ships, so as to have one in case of an accident?

Question. He is to build one ship, and you two?

Answer. Yes, sir.

Question. What is the arrangement between you and him about the shares?

Answer. Each is to have half, sir.

Question. You are to put in two ships and he only one, and each have half of the profits?

Answer. Yes, sir.

Question. For how long a time have you borrowed that money of this French house?

Answer. For ten years, payable by instalments each year.

Question. What benefit are they to get from this?

Answer. They are to have the agency, and four and a half per cent. interest on their capital.

Question. And you say, supposing you do not succeed in getting this contract, that you are then to get nothing from anybody?

Answer. Yes, sir.

Question. Are there no expenses to be paid?

Answer. No, sir.

Question. Where are you staying here in Washington?

Answer. I am staying at the Exchange Hotel.

Question. Have you been making any interest in Congress for the passage of this law?

Answer. No, sir.

Question. Have you spoken to any members about it?

Answer. I have mentioned it Messrs. Colfax and Craig, of the Post Office Committee, informally.

Question. Have you seen the Postmaster General upon the subject?

Answer. No, sir.

Question. You have had no communication with him at all?

Answer. No, sir, not a word.

Question. Do you know Daniel H. Johnson?

Answer. Yes, sir.

Question. Is he a capitalist?

Answer. No, sir.

Question. Has he any means at all?

Answer. Not that I know of.

Question. With what capitalists is he associated?

Answer. None that I know of, sir.

Question. What enabled you to say that Mr. Johnson could not carry out his contract—that is what you say in your testimony?

Answer. Because I was aware of his exertions to do so; and I knew that the parties with whom he was connected could not do it.

Question. You add, unless aided by you; what do you mean by that?

Answer. I mean that if the parties with whom I was connected had come in we could have carried it out.

Question. What parties?

Answer. Crocheron, Livingston, and others.

Question. Did you propose to aid him?

Answer. No, sir.

Question. Then why did you put in that?

Answer. It was a statement that if I had chosen to aid him he could have carried it out.

Question. Could he not have got Mr. Vanderbilt to aid him?

Answer. Mr. Vanderbilt refused to do it.

Question. But you say he could not to do it unless aid by you; were there not many other persons in New York who had the means to aid him?

Answer. Certainly; but they refused.

Question. Do you know that all the capitalists in New York had refused?

Answer. He had applied to some dozen, and none of them would aid him.

Question. State who he applied to.

Answer. He applied to the Pacific Mail Steamship Company, and they refused; then there was the Roberts Company, Mr. Vanderbilt, and Horace H. Day, the India-rubber man; I believe there were two or three others, whom I cannot call to mind now.

Question. Was not Mr. Johnson what is called a "bogus bidder," sir, in your opinion?

Answer. He was; I considered him so, sir; his bid was certified to by sureties.

Question. I do not know whether I have asked you how many ships it would require to perform the service upon either of your lines. Your first proposition is for semi-monthly service between New York and San Francisco, and between New Orleans and San Francisco, *via* Havana and the Isthmus of Nicaragua, and twenty-three days from New York, and twenty-one days from New Orleans, returning in twenty-two days to New York and nineteen days to New Orleans. How many ships would it require to perform that service?

Answer. Six vessels would do it.

Question. Your next proposition is for similar service *via* Key West and the Isthmus of Nicaragua in the same time each way. Would that require any more vessels?

Answer. No more, sir?

Question. The third proposition is for a like service *via* Havana and the Isthmus of Nicaragua, embracing Savannah, Georgia, as a third Atlantic terminus in the same time each way. How many ships would that require?

Answer. That would take seven ships. Samuel L. Mitchell, of New York, was to put that part on from Savannah.

Question. Your other proposition is for like service between New York and San Francisco, and New Orleans and San Francisco, the steamships to run direct from New York and New Orleans to and from the Isthmus of Nicaragua, in twenty-two days from New York, and twenty days from New Orleans to San Francisco, returning in twenty-one days from San Francisco to New York, and nineteen days from San Francisco to New Orleans. How many ships would that require?

Answer. That would require five.

Question. What ships did you have to rely upon to perform the service from New York on the fifth of October, supposing that, upon that day, when Mr. Johnson failed to carry the mails, the Postmaster General had closed with you on your proposals?

Answer. I had no ships in New York; but I had every reason to believe that the steamship St. Louis, belonging to the Pacific Mail Steamship Company, then coaled, would have done the service.

Question. Where was she?

Answer. She was lying at the dock in New York.

Question. In whose possession?

Answer. In the possession of the Pacific Mail Steamship Company.

Question. Was she up for any place?

Answer. She was offered to the Johnson people to do that service.

Question. What ship did you have on the other side?

Answer. I expected the Pacific Mail Steamship Company to do the service.

Question. You had no arrangement with them, did you?

Answer. No, sir; no arrangement.

Question. You said something about Mr. Fisher, owning half the Sloo vessels, agreeing to do the service for you?

Answer. Yes, sir.

Question. Do you know who the legal title was in for those vessels?

Answer. Elwood Fisher, Marshall O. Roberts, and Horace F. Clark.

Question. Had you consulted either of the other gentlemen besides Mr. Fisher upon the subject?

Answer. No, sir.

Question. Then you had no reliance upon the majority of the owners that they would do the service?

Answer. Mr. Fisher represented one-half of the ships, although there were three trustees.

Question. How do you mean?

Answer. Mr. Sloo owned one-half of the ships and Mr. Fisher was his trustee. The United States Mail Steamship Company owned the other half, and they had two trustees.

Question. Did they own the ships, specifying to whom each belonged, or was one-half of each ship the property of Fisher and the other half the property of the two trustees?

Answer. I do not know, sir.

Question. You are not prepared to say whether Fisher owned any one vessel out and out.

Answer. No, sir; I am not prepared to say.

Question. You had not had any conversation with the co-trustees whatever?

Answer. No, sir.

Question. And you had no contract with them?

Answer. None whatever.

Question. Did you contract to purchase or charter any vessel yourself?

Answer. No, sir.

Question. Did you make any arrangement in writing, touching this contract, with any person?

Answer. Yes, sir; with Mr. Fisher.

Question. Have you got that writing?

Answer. No, sir; Mr. Fisher has it.

Question. Have you any copy of it?

Answer. No, sir.

Question. In making that arrangement, did you only have one copy of it and retain none yourself?

Answer. I retained none. He drew it up and I signed it.

Question. You consider it somewhat under your control?

Answer. Not at all, sir.

Question. He has the writing still, has he not?

Answer. I presume he has it.

Question. Is it not the property of both?

Answer. It was a joint agreement between us.

Question. As you did not retain a copy, do you not consider that as you are a party to the agreement you are entitled to the custody of it as well as he?

Answer. Yes, sir; I suppose so.

Question. Could you produce it if required?

Answer. Mr. Fisher has gone away now, but I do not suppose there will be any difficulty at all upon the subject.

Question. Have you any credit that would have enabled you yourself to carry on this operation?

Answer. I had made arrangements to do it and wanted none other.

Question. Suppose Fisher had not stood by his agreement, would you not have been thrown upon your own exertions to do it?

Answer. With the mail contract, and could have done it.

Question. How is that?

Answer. The mail contract was worth half a million of dollars.

Question. Clear profits.

Answer. Yes, sir.

Question. How do you make that out?

Answer. It was in consequence of the power it threw into the hands of the contractors.

Question. What power?

Answer. The control of the Isthmus route.

Question. Which Isthmus route?

Answer. Either of them. Whoever had the mail contract had the power to govern the Isthmus.

Question. The Isthmus of Panama.

Answer. Yes, sir; either of them.

Question. Who owns the Panama railroad?

Answer. One-third of it is owned in England, and the balance is owned by stockholders.

Question. And you say that if you had got the contract for carrying the mail you would have controlled the passenger travel and business on that route.

Answer. Yes, sir.

Question. How could you have done that?

Answer. Well, sir; four-fifths of the passengers who go from New York want to go by the mail line, for they know that the mails are bound to go through, and they want to go with the mails.

Question. If the Nicaragua route was not opened, then they would be obliged to go by Panama.

Answer. Yes, sir; in that case.

Question. Could you control the Panama route then?

Answer. If the Nicaragua route was not opened, it would be because the people did not choose to open it.

Question. If the Nicaragua route was not open, and the department had accepted your proposition to go by Panama, could you have so controlled the Panama route as to make $500,000 clear profit?

Answer. Well, I do not know that I could control that company. I stated that the contract was worth that, because it controlled the travel to California to a great extent.

Question. That is, throwing out the Panama Railroad Company entirely.

Answer. Paying them what they might charge.

Question. Do you not know that that company has refused to contract with anybody but the government?

Answer. I do.

Question. What reliance had you, then, that they would contract with you?

Answer. They were obliged to take a contract by the government of Panama.

Question. From the mail contractor.

Answer. From anybody.

Question. Why has not that been done, then?

Answer. Because nobody has gone down to Panama and enforced the laws of Panama upon them.

Question. Why did you put in four bids?

Answer. There were four routes.

Question. Your first bid was for semi-monthly service between New York and San Francisco, and between New Orleans and San Francisco *via* Havana and Isthmus of Nicaragua, 23 days from New York, 21 days from New Orleans; returning, to New York in 22 days, and to New Orleans in 19 days, for $178,100. You say it would require six vessels to perform that service.

Answer. Yes, sir.

Question. Your fourth bid was for like service, the vessels to run *direct* from New York and New Orleans to and from the Isthmus of Nicaragua in 22 days from New York and 20 days from New Orleans; returning, in 21 days to New York, and 19 days to New Orleans, for $268,200. You say it would require five ships to perform that service.

Answer. Yes, Sir.

Question. Why would it require only five ships for that, when you say it would take six for the other?

Answer. I contemplated putting the Atlantic and Baltic on that route. And then it costs more to run quick than to run slow.

Question. And you think a day less would be worth $100,000?

Answer. With larger ships.

Question. Did you state to the Postmaster General, in making these propositions, that the reason you increased the amount of the bid $100,000 was for larger ships?

Answer. I distinctly stated to him that the Atlantic and Baltic would be put on that route.

Question. By whom were those vessels owned?

Answer. By Brown & Brothers.

Question. Where are they?

Answer. In New York.

Question. Had you made any arrangements with them for their ships?

Answer. I had had conversations with Clarkson N. Potter about the matter.

Question. Had you any assurances that they would be so used?

Answer. I had the assurances of a gentleman.

Question. Who?

Answer. Clarkson N. Potter.

Question. That the ships could be so used?

Answer. Yes, sir.

Question. So that when you made the proposition, you rested only upon the word of Mr. Potter that you could get the ships?

Answer. Yes, sir.

Question. And if he had refused to let you have them, could you have carried out the contract?

Answer. The ships were in market.

Question. Could you have bought them?

Answer. Yes, sir.

Question. What were they worth?

Answer. They were worth $1,000,000, but they were offered for $450,000.

Question. You stated that Mr. Johnson was broken down by the conditional arrangement with Mr. Vanderbilt?

Answer. I stated, just now, that the contract was worth half a million of dollars; and had not discredit been thrown upon it by the announcement in the papers that a conditional contract had been made with Mr. Vanderbilt, Johnson could have got money from capitalists.

Question. How was that?

Answer. The announcement threw discredit upon it by leading persons to suppose that the government themselves did not rely upon the contractor.

Question. That did not affect the ability of the party to carry out his contract?

Answer. In my opinion, it did; and in the opinion of the capitalists of New York it did.

Question. Explain upon what you base your opinion; what are the facts upon which you base it?

Answer. I base my opinion upon the fact itself, that discredit was thrown upon it by the department.

Question. Johnson had the contract?

Answer. Yes, sir.

Question. And it got out that a provisional arrangement was made in case that Johnson failed to meet his contract?

Answer. Yes, sir.

Question. And you say that had the effect to break Johnson down?

Answer. Yes, sir.

Question. Of what assistance did that deprive Johnson?

Answer. I do not know of what assistance it deprived him; but I know the general effect it had in New York.

Question. You do not know, then, that it did deprive him of any assistance?

Answer. I do not know specifically of any individual assistance that it deprived him.

Question. It is just your judgment, then?

Answer. Yes, sir.

Question. It is merely your opinion that it did deprive him of assistance, although you do not know anybody of whose assistance it did deprive him?

Answer. Yes, sir.

Question. Do you know when this provisional arrangement was made with Mr. Vanderbilt?

Answer. It was made in the latter part of August, but I find that it was announced publicly in New York on the 7th of September.

Question. Then from the 30th of August, when that arrangement was made, up to the 7th of September or thereabouts, when it was publicly announced, it could have had no effect upon Johnson?

Answer. No, sir.

Question. What was the time between the 7th of September and the day when the ship was to leave New York?

Answer. A month, less two days.

Question Then your opinion is that up to that time Johnson had made no arrangement whatever to carry out his contract?

Answer. I know the fact that he had not.

Question. Then you say that a month before the ship was to sail the effect of this provisional arrangement was to break Johnson down?

Answer. Yes, sir, I know it; I know that he was trying to make arrangements; I was watching him very closely, as I considered myself aggrieved by his contract.

Question. Did you write to Mr. Vanderbilt to aid you in carrying out this contract?

Answer. I did, on the 5th of March.

Question. What reply did he make to you?

Answer. I had better state my proposition, as it was telegraphed to him.

Question. I have no objection.

Answer. I telegraphed to him, "Will you do the service between Panama and San Francisco for two years for two-thirds of the postages?" His answer was, telegraphic, "No."

Question. What is the amount of postages on that route?

Answer. The last year it was 299,900 and odd dollars, and that was low.

Question. Your first proposition was to do the service for that compensation?

Answer. Yes, sir.

Question. I think you have said that it was notorious in New York that Johnson could not carry out his contract?

Answer. Yes, sir.

Question. If you had wanted to make a contract suddenly to carry the mails from New York and New Orleans to San Francisco, upon whom would you have placed most reliance if two propositions had been made to you, one by Mr. Vanderbilt and one by Mr. Johnson?

Answer. If Mr. Vanderbilt had given sureties I would have taken him.

Question. If he had not?

Answer. Then I would not have taken him.

Question. I mean upon whose pecuniary ability would you have placed the most reliance?

Answer. Oh! Mr. Vanderbilt is the strongest steamship man in the United States.

Question. He has great experience?

Answer. Yes, sir.

Question. You would not have relied upon his word?

Answer. I would not have taken the word of either of them.

Question. Suppose both had applied, without any bond or surety to do the service; upon which would you have relied in preference to the other, Mr. Vanderbilt or Mr. Johnson?

Answer. Oh, upon Mr. Vanderbilt.

Question. Do you not know that Vanderbilt refused to purchase Johnson out?

Answer. I do not know the fact; I believe it from common rumor.

Question. Do you not know that Johnson applied to Marshall O. Roberts and the trustees of the United States Mail Steamship Company, and they refused?

Answer. Yes, sir.

Question. Do you know when he applied to the Pacific Mail Steamship Company?

Answer. I do not.

Question. Did he not do so at the last hour?

Answer. Yes, sir, and he did long before that. I will state another thing; the Pacific Mail Steamship Company were willing to do the work for nothing.

Question. Do you know anything about Johnson assigning the contract to Sloo & Co.?

Answer. Johnson did make an assignment of his contract to Mr. White, very shortly after he obtained it.

Question. Did you ever offer to sell out your chances to get the contract?

Answer. Do you mean to sell out if I got the contract?

Question. Yes, sir.

Answer. I did not; I went to the Pacific Mail Steamship Company and said to them that if Johnson failed to fulfill his contract and it was awarded to me as the lowest bidder, they could have it without

giving me any compensation whatever for it; I made that proposition to Mr. Davidge, and asked them if they would take it.

Question. Did you ever offer it for a specific sum of money?

Answer. Never.

Question. Are you a lawyer?

Answer. Yes, sir.

Question. How long did you read law?

Answer. I read law with Charles J. Ingersoll, of Philadelphia, about a year.

Question. Did you ever practice?

Answer. I practiced in Philadelphia, after I was admitted, about a year; then I went to Baltimore, but had bad health, and left the practice of the law and went into civil engineering.

Question. What was the extent of your practice? Did you get many cases?

Answer. I was a mere lad in the office; I abandoned the practice of the law more than twenty years ago; I went into civil engineering.

Question. Has your attention been turned to legal studies since that period?

Answer. Yes, sir; somewhat.

Question. What books have you read?

Answer. I am unable to specify.

Question. Have you ever read Dwarris on Statutes?

Answer. I never heard of the book.

Question. You took the liberty of criticising the opinion of the Attorney General on the law about carrying the mails?

Answer. I did.

Question. And you took the liberty of laughing at it?

Answer. I did.

Question. And you say that the Postmaster General laughed at it also?

Answer. He smiled.

Question. You said in your testimony that he "laughed at it."

Answer. I did not mean by that that he laughed out loud.

Question. Are you quite sure that he was not laughing at you?

Answer. He may have been laughing at me.

Question. I see this statement in the special correspondence of the New York Herald of yesterday: "Barney, who testified a day or two ago, was also here on business when he was summoned to come before the committee." Do you know anything about that statement?

Answer. I know that statement exactly, because I told them myself that I was not summoned from New York, but that the committee summoned me here.

Question. To whom did you tell that?

Answer. To a man by the name of Davidson.

Question. Who is he?

Answer. He is a reporter for some of the papers; for the Herald, I think; I do not think he is a regular reporter.

Question. Did he apply to you, or did you go to him and give him that information?

Answer. I met him at Mr. Fisher's; I went to see Mr. Fisher to

pay him a visit and met him there, and told him that I was here on a visit and had been summoned here.

Question. What was your object in stating that?

Answer. He was stating that Mr. Wilson was before the committee on compulsion.

Question. Was your object to show that you were a voluntary or an involuntary witness?

Answer. That I was an involuntary witness.

Question. Did you not write to the chairman of this committee some time since upon this subject?

Answer. Yes, sir.

Question. Proposing to give him some information upon it?

Answer. Yes, sir.

No. 75.

SATURDAY, *May* 26, 1860.

J. P. BENJAMIN called and examined.

By Mr. WINSLOW:

Question. The committee have had before them Mr. Elwood Fisher, and in the course of his examination he was asked by the chairman if he knew "what course was taken by the administration in regard to the opening of the Tehuantepec route." He said he did, and went on to give a long history of the matter. [Mr. WINSLOW here read from the testimony of Fisher that part in which he refers to Mr. Buchanan sending out instructions by Senator Benjamin and Mr. La Sère to the United States minister in Mexico in regard to the Tehuantepec route.] I am anxious to hear your explanation, whether there was any conversation between you and the President in regard to any of these matters.

Answer. The statement will take some little time. I will begin before Mr. Sloo's connexion with it. About the year 1848 the citizens of New Orleans determined on making an effort to open the Isthmus of Tehuantepec. They entered into a contract with Mr. Hargous, who owned the Garay grant, and organized a company under that grant. General Taylor furnished a major of the engineer corps to make the survey. The Mexican government gave passports to the engineers, and the work was commenced. The company had agreed to give Mr. Hargous $3,000,000 of stock for this grant, and this sum excited the cupidity of the people in Mexico, and they cast about for a pretext to turn the engineers off the Isthmus. The Mexican congress passed an act annulling the grant on the ground that one of the presidents who had given a prolongation of time for building the road had no power to do so. For a series of years the United States government, through Mr. Webster and Mr. Conrad, were in communication with the Mexican government, urging the claims of our company and claiming damages for a breach of contract, even to the point of pretty distinctly threatening war for the confiscation of our rights.

Mr. Sloo, under these circumstances, went to Mexico and obtained a contract for opening this route, agreeing to give Mexico $600,000 cash. Not having any money there, he authorized an agent to draw bills on him in New Orleans, representing that he had the cash there in bank, and obtained a negotiation of these bills through an English banking house in Mexico. This house, however, refused to advance the money on his bills unless with a pledge of the grant, and an authority to sell out the grant instanter, without any judicial proceedings, if the bills were dishonored. The contract was made in accordance with these conditions, with the approbation of the Mexican government. When the bills arrived at New Orleans, they were written accepted not paid; Mr. Sloo had not a cent in bank there. Mr. Sloo organized a company, with a nominal capital of $10,000,000, of which he was to have one-half for himself as the price of the grant which he conveyed to the company as the basis of its operations. No appreciable amount of stock was ever subscribed to his company, and no money raised by payments on the stock; and Mr. Sloo devoted his efforts to obtaining a loan of money from capitalists, on the pledge of his grant, to build the road.

Several years passed without anything being done on the Isthmus of Tehuantepec towards building the plank road, or even a carriage road that could be crossed in dry weather. The Isthmus remained closed to the commerce of New Orleans. The old company still insisted upon indemnity for the confiscation of its grant. Mr. Sloo got into a quarrel with the board of directors of his own company, and finally into lawsuits with them. In the meantime the English banker in Mexico obtained a cession from the Mexican government, under the pledge that had been made to him by Sloo forfeiting the grant in his favor; and this English capitalist proposed to Mr. Hargous to transfer to him his rights thus acquired under the pledge made by Sloo, and to unite these rights with the rights under the Garay grant, and put the whole together and apply to the Mexican government for a new contract, which would liquidate the rights of all the parties, relieve Mexico from the claims of the old Garay company, and also relieve the English banking house from the loss of the $600,000 which it had advanced to Mr. Sloo. This contract was made between Mr. Falconett, the English banker, and Mr. Hargous, who was acting for the benefit of the Louisiana company, in which I had been engaged. The Mexican government, however, refused to permit Mr. Falconett to transfer his rights to Mr. Hargous.

I then made complaint to the President that the Mexican government was willing that that right of transit should be in the hands of an English subject, but refused to allow it to pass into American hands. And I applied to him to issue instructions to our minister to Mexico, demanding that Mexico should put our citizens upon the same friendly footing with the citizens of Great Britain. This was not done at the time I first asked it; but when a common contract had been made between the directors of the Sloo company and myself, in behalf of the Garay company, which promised a settlement of all the conflicting claims on the Isthmus, the President then said that he saw an opening promising success in the establishment of this transit for our country,

and sent a despatch to Mr. Forsyth, which will speak for itself, as it has been published on call of the Senate.

Mr. La Sère, who was the president of the Sloo company, and myself went jointly to Mexico, and there made a new contract with the Mexican government, agreeing with it to abandon all rights under both the old grants, and to take in exchange a new grant, the terms of which were made as satisfactory as we could get them. The new contract will speak for itself.

By Mr. OLIN:

Question. I understand you to say that an agreement was entered into by the president of the company in which Sloo was particularly interested and the company under the Garay grant?

Answer. Yes, sir.

Question. At this time you say Sloo was at law with the company.

Answer. He was a stockholder and was at law with the company.

Question. In litigation with the company of which he was a member?

Answer. Yes, sir.

Question. He was not assenting to or agreeing in the contract, I suppose, made by the president of the company with you on the part of the Garay company?

Answer. On the contrary he was opposing it.

Question. The Sloo grant, as it is called, was guarantied under the Gadsden treaty, was it not?

Answer. It was referred to in the Gadsden treaty, what the article of the treaty means will, of course, appear upon its face; the Gadsden treaty guarantied the right of transit to the United States over the Isthmus.

Question. Has the contract you obtained, the last one, been guarantied by any treaty stipulations between the two governments?

Answer. No further than as succeeding to the Sloo grant; the recent treaty, not yet ratified, contains some further privileges in behalf of the United States; but our grant we consider to be covered by the guaranty of the Gadsden treaty, we do not see any doubt about that.

Question. Were you interested in the company as a stockholder?

Answer. Both in the Garay company and the new company, very largely interested ever since 1848, but not in the Sloo company.

Question. Has anything been done towards opening the route since the execution of the last contract which you have mentioned?

Answer. Yes, sir; we opened the route and had it open for a year, and did a vast deal of work upon the Isthmus, but we broke down at the close of the year from two causes. When we commenced to open the route we did not anticipate working anywhere but on the Isthmus; when we obtained the contract from the government of the United States for carrying the mails across the Isthmus as a shorter route, we supposed we could readily get some steamship company to join us to carry the mails on both sides; we failed in making such a contract for the Gulf side, and to provide steamships ourselves and provide steam communication on the Gulf, as well as conveyance across the Isthmus, our capital proved insufficient for that purpose. We had something like $250,000 or $300,000 paid in, which, with the receipts from

the mail contracts and passengers, gave us $500,000 or $600,000 the first year, but so much was absorbed in establishing water communication across the Gulf that we were greatly restricted, and at the end of the year, the mail contract having been withdrawn, the credit of the company was broken down; Mr. Hargous, the agent of the company, failed in New York, and that destroyed the credit of the company.

Question. What was the difficulty in readily getting steamships on the Gulf and the other side?

Answer. I will tell you what I have understood the difficulty to arise from: that there was some secret arrangement between Mr. Vanderbilt and the Southern Mail Steamship Company of Harris & Morgan, which does all the business on the Gulf, by which they were inhibited from doing anything towards making any connexion with California, which would interfere with Vanderbilt's profits by his being connected in some way with the route on the other side. New Orleans is not a steamship place. There is one large steamship company there doing business along the Texan and Mexican coast, but they refused to carry the mails for us to Tehuantepec, and we were driven to use our capital in that way.

Question. Would you have been able to have gone on with the enterprise if government had continued the mail contract with you?

Answer. The mail contract of itself would have helped us very much, and we might have struggled through. But a terrible drawback was the heavy running expenses of steamships before the route was in a condition for travel. We had to run the steamships to carry the mails, and yet the route was not in a condition for transportation of passengers over it. If all our resources could have been devoted to making the Isthmus transitable for passengers as well as for mails—it has always been transitable for mails—we could have gone through without any difficulty, I think.

By Mr. WINSLOW:

Question. I have already read to you that portion of the testimony of Mr. Fisher which mentions your name and Mr. La Sère. There is also something said about Mr. Slidell.

Answer. Mr. Slidell never had any interest in it at all, except that when our new company was formed he subscribed $5,000 to the stock of the company.

Question. I will now read you, from his testimony, his last answer. "Hargous and company made a contract with the Post Office Department, not only without the sanction of law, but in violation of law, for $250,000 a year to carry that mail; and they have drawn the money, but were never in a condition to carry the mail across the Isthmus as the mail ought to be carried. The total amount of the postages, for which they got this contract of $250,000 a year, did not equal $5,000; so that not only was the diplomacy of the country prostituted abroad, but the Post Office Department at home was prostituted by the interference of the President, for the purpose of giving contracts and jobs to one class of men who were personally more his favorites than another class." The effect and object of that testimony is to create the impression that there was a corrupt under

standing between the President and Mr. La Sére and yourself and others, his favorites, for the purpose of benefitting you and other parties.

Answer. I cannot be expected to go into that kind of thing, of course. The Postmaster General advertised for proposals under the regular annual lettings for carrying the mails from New Orleans to San Francisco *via* Tehuantepec. That was one of the regular annual lettings. We made a proposition, and, with a great deal of difficulty and urgency, finally obtained the contract from the Postmaster General, stating that we had the right to it under his advertisement. The President never had the slightest interference of any kind, to my knowledge, with this mail contract. I had heard the previous year of his refusing positively to permit the Sloo Company to have a mail contract, upon the ground that he had no evidence of their preparation to carry the mail. And as regards the mail service, the mails were regularly carried during the eleven months that the contract lasted, with a single failure, and that from no difficulty upon the Isthmus, The one failure, which occurred during the whole time, resulted from the steamship having been detained in the Mississippi river forty-eight hours by a very unusual fog, so that she could not find her way over the bar, and did not reach the Isthmus in time to connect. The mail never failed once of being carried during the whole time, except the single instance I have just mentioned. The time varied from fourteen to sixteen days; it once or twice reached seventeen or eighteen days, because our mail and passengers were detained from forty-eight to sixty hours at Acapulco, waiting for the connexion of the other line by Panama. The mails, which arrived *via* Panama, were constantly announced as having had their advices anticipated by New Orleans. I think there was not a single exception to that announcement.

Question. Did anything ever occur between you and the President, by conversation or understanding, that would have warranted the expression that the diplomacy of the country had been prostituted for your benefit and that of your associates?

Answer. I can say that not only was it not so, but I thought the President very rigorous in his action towards us; very stringent, indeed. He interfered in insisting that the action of the government should not be exerted in Mexico, even in defence of our rights, unless we would agree to put in our charter a stipulation that the dividends of the company should never exceed fifteen per cent. I remonstrated with him that that was a matter with which the government had nothing to do; that the prices for transit on the Isthmus concerned Mexico alone; that that was governed by our contract with Mexico, and that we had a right to the protection of our government without any hard condition being imposed upon us. He insisted not only upon that, but he also insisted that inasmuch as Mexico had reserved certain advantages for herself in the transit of public property over her own Isthmus, similar advantages should be granted to the government of the United States, inasmuch as we wanted their protection, and ought, therefore, to give a reasonable consideration, with proper regard to the public interests, for that protection. I think it will be seen, in the instructions to Mr. Forsyth, that the President directed him to insist upon that, and especially to take care in the negotiations that by no possi-

bility should the rights and privileges of the United States, in the free transit over the Isthmus, at any instant be put in doubt or jeopardy.

Question. Are you acquainted with Mr. Sloo?

Answer. Slightly.

Question. Do you know anything of his pecuniary abilities?

Answer. He is utterly bankrupt. I sued Mr. Sloo for the $600,000, as the agent of this English banker; but I never got a cent from him.

No. 64.

WEDNESDAY, *May* 30, 1860.

ELLWOOD FISHER recalled.

By Mr. TRAIN:

Question. Do you wish to change your testimony, or make any explanation in regard to it?

Answer. I have been waiting here for two days, at the suggestion of Governor Winslow, who told me that he wanted to ask me some questions. I propose, after that has been done, to make some explanations in regard to some portions of my testimony, respecting transactions referred to by me, and to correct some misrepresentations that have been made; one particularly in the organ of the administration.

Mr. WINSLOW. I have no disposition to ask the witness any questions at all; I do not desire to cross-examine him.

By the CHAIRMAN:

Question. What correction or explanation have you to give?

Mr. ROBINSON. The witness refers to some statement in the organ of the administration. We have nothing to do with the statements in the newspapers.

By the CHAIRMAN:

Question. Is there any portion of your testimony that you desire to explain or alter in any way?

Answer. There is one thing that has been brought to my notice by what has appeared in the papers since I was examined before; that Mr. Senator Benjamin has been testifying before this committee. I understand that I have the right to see his testimony, and if so I ask the permission of the committee to see it now.

[Mr. WINSLOW requested that the witness leave the committee room, while the committee consider the subject. The witness accordingly left the room.

After examining the testimony of Senator Benjamin, and some time spent in consultation by the committee, the witness was recalled.]

Mr. TRAIN (to witness.) We do not see that there is anything in the testimony of Mr. Benjamin that relates to you particularly. Mr. Benjamin has merely given his version of the matter, as you did.

Mr. ROBINSON. He does not refer to you.

The WITNESS. It was not that he referred to me particularly, but

because he is said to have made some statements respecting my testimony.

Mr. TRAIN. We have nothing to do with that. You have each given your version of the matter.

The WITNESS. I wish to make some additions and explanations to my testimony.

Mr. WINSLOW (to witness.) Do you want to correct or explain any of your testimony?

The WITNESS. Rather to enlarge upon some portions of it.

[Mr. WINSLOW again requested the witness to leave the committee room, while the committee consulted further upon the matter. The witness accordingly left the room.

After some time spent in consultation, the witness was recalled, and informed that the committee had concluded to grant him permission to write out his statement and submit it to the committee for their action.]

No. 85.

FRIDAY, *June* 1, 1860.

HORACE F. CLARK called and examined.

By Mr. WINSLOW:

Question. In the examination of William Chase Barney and Elwood Fisher, before this committee, your name has been mentioned, in connexion with Mr. Marshall O. Roberts and Mr. Elwood Fisher, as one of the trustees of certain ships belonging to the United Mail Steamship Company, and something was said about a subsidy that was paid by that company and the Pacific Mail Steamship Company to Mr. Cornelius Vanderbilt, of New York. I would be obliged to you if you would explain to the committee all the facts that you know in regard to that matter.

Answer. I was one of three trustees who held the title of certain steamships of the United Mail Steamship Company. That company had a line of steamers plying between New York and Aspinwall, and also a line between New Orleans *via* Havana. In my capacity as one of that board of trustees I became acquainted with the subject matter to which you refer.

And allow me here to say that I have obeyed your summons rather from personal respect to the numbers of your committee than because I regard the subject of your inquiry a proper one. I will take the liberty to say, without intending disrespect to the committee, that it has seemed to me that inasmuch as this matter was a private transaction between private individuals, it hardly comes within your cognizance under the order of the House. But there is no secret about it, and I will waive any privilege that I might otherwise assert.

Mr. WINSLOW. I will admit that under ordinary circumstances that would be my opinion, and that may be my opinion now. But in the course of the examination deductions were made that I thought unfair towards the administration, showing that this matter of subsidy was, or might have been, made with the cognizance of the administration, putting it in the power of parties to charge what they pleased for mails and passengers on that route.

The WITNESS. Why, gentlemen, the arrangement referred to was fully established before the incoming of Mr. Buchanan's administration; in fact, before Mr. Buchanan was nominated for the presidency; and neither the administration nor Mr. Buchanan was in any way concerned with it. But they did, as I think, attempt afterwards to interfere with it.

By Mr. WINSLOW:

Question. In what manner?

Answer. The arrangement for the payment of this subsidy was made in the spring of 1856, during General Pierce's administration. The arrangement was this: the Pacific Mail Steamship Company, running steamers between Panama and San Francisco, and the trustees of the United Mail Steamship Company, running steamers between New York and the Isthmus of Panama, paid Mr. Vanderbilt

a subsidy of $40,000 a month to induce him not to run between New York and California, *via* Panama, in competition with them, but to permit his steam tonnage to be unemployed or to be employed in the European trade. Mr. Vanderbilt was the owner of a large number of steamships, and claimed the right of every individual having steamships to employ them on the ocean wherever he chose. We felt—and when I use the word "we" I refer to the trustees of the United Mail Steamship Company—we felt that it would be ruinous to our enterprise to permit that competition; and, for the protection of the interests of the stockholders, we representing $2,000,000, and the Pacific Mail Steamship Company representing $3,500,000, made this arrangement with Mr. Vanderbilt. He permitted his own ships to lie idle, or employed them in the Atlantic trade, at a loss at times, and it was considered, in view of the large capital which he had thus unprofitably employed, that a subsidy of $40,000 a month was about equitable. The arrangement was perhaps beneficial all around; but Mr. Buchanan's administration had nothing to do with it.

I mentioned an attempt on the part of Mr. Buchanan's administration to interfere with it. I took the same exception then that I now take to your inquiry. The way this matter came up was this; some time in the year 1857, or 1858, the Secretary of State, addressed a letter to the President of the United States Mail Steamship Company, inquiring as to the particulars of that arrangement. That letter came before the trustees, at a session when I was present; I thought that it was an inquiry which the administration had no right to make; and I think upon my suggestion, or upon my motion, the letter was not replied to. It occurred to me that the attempt of the administration to invade the subject of a private transaction between private citizens was altogether unwarranted, and then Mr. Buchanan, in the year 1857, upon more than one occasion, in conversations with myself, made the matter of this subsidy a subject of complaint; he appeared to be apprehensive that it was prejudicial to the public interests. I informed Mr. Buchanan generally of the arrangement, but at the same time I suggested to him that it was a matter which, if perhaps detrimental to the interests of the public, was not detrimental to the service of the Post Office Department; and that it was a subject with which the government had no right to interfere.

Question. Do I understand you to say that the arrangement with Mr. Vanderbilt was to prevent his running on the Panama line?

Answer. Certainly. The route by Nicaragua was closed by reason of the interference of the government of Nicaragua against American citizens having the right of navigation of those waters. These citizens had applied to the administration for its intervention for their protection against the acts of persons exercising political power in Nicaragua. It was the subject of complaint, and is still the subject of complaint, that this interference has not been had. But that was the fault of Congress, not of the President. The President was powerless to give this protection, and his representations to Congress have been disregarded. Mr. Buchanan, upon that matter, is wholly free from censure; he has done all he could to redress the invasion of private property, which resulted in the closing of that route, and in the loss of millions perhaps to American citizens; but Congress has never

acted upon the suggestions of the President. I made that remark for the purpose of showing that this whole subject matter of inquiry was entirely foreign to any just investigation of the transactions of the administration.

Question. I think that you stated that Mr. Fisher, Mr. Roberts, and yourself, were the three trustees of the United States Mail Steamship Company?

Answer. I did not so state; but they were. From the spring of 1856 to the termination of the trust, which was the first of October, 1859, Mr. Marshall O. Roberts, Mr. Elwood Fisher, and myself, were the trustees. By the terms of the trust, and by the judicial decisions governing its action, the majority of the trustees controlled. Mr. Fisher represented Mr. Sloo's interest, I represented the interest of the United States Mail Steamship Company, or their stockholders, whose capital had built the ships. Mr. Sloo was the original mail contractor with the government. This trust was created I think in 1847.

Question. Will you state now what ships were in the trust? Can you name them?

Answer. At what period?

Question. In the year 1858?

Answer. In 1858 the ships embraced in the trust were the Moses Taylor, Philadelphia, Illinois, Empire City, and Star of the West, These five steamships were run under this mail contract by Marshall O. Roberts, who was the agent of the company and of the trustees. The majority of the trustees controlled the action of the board.

Question. What interest had Fisher as a trustee?

Answer. He represented Sloo's interest.

Question. What interest was that?

Answer. To inform you of it in a word: the trust, in the first place, was to pay the construction account for the building of the steamers, which would go to the stockholders of the United States Mail Steamship Company; the residue was to be divided equally between the United States Mail Steamship Company and Mr. Sloo—Sloo and his creditors being entitled to one-half of the residuum after the payment of the construction account.

Question. Do you know the amount, or can you state anywhere in the neighborhood of the amount?

F. Answer. The amount of the construction account was in dispute. At that time it was claimed, I think, by the United States Mail Steamship Company to be about $1,000,000. It was contended on the part of Mr. Sloo that a larger sum had been paid than the company stated; and it was even alleged at times by him, though denied by the company, that it was fully paid. That was then, and is still, a subject of dispute between them.

Question. Mr. Fisher then, you say, had no authority whatever to dispose of the ships without the action of the majority of the trustees?

Answer. Undoubtedly not.

Question. He therefore could not give authority to any one, on his own mere motion, without the consent of the board, to put those ships in any trade, or to carry out any contract with the government?

Answer. Certainly not. Mr. Fisher, acting with Mr. Roberts, the other trustee, could have done it without my consent, or Mr. Roberts, acting with me, could have done it without Mr. Fisher's consent.

Qnestion. Do you know William Chase Barney?

Answer. Yes, sir.

Question. Do you know whether he ever got the consent of the trustees to run those ships to carry out a contract with the government to carry the mails from New York to San Francisco?

Answer. He did not get my consent, and I am not aware that he got the consent of my co-trustees. Mr. Fisher once applied to me to give such consent, and I informed him that I would assent to any such arrangement provided the United States Mail Steamship Company, whose interest I represented, would acquiesce, with the consent of Mr. Roberts, but not without. I would not have stood in the way, provided the parties interested, other than myself, had consented. My personal interest would, of course, have been protected before I would have consented to any such transfer.

Question. And such acquiescence or consent was never given, to your knowledge?

Answer. Certainly not.

Question. And with your situation was it possible or probable that such consent could have been given without your knowing it?

Answer. I cannot think it possible. I was largely interested in the residuum. I held $100,000 of the interest of Mr. Sloo in the trust, and it is hardly possible that, without my acquiescence, my co-trustees would have made an arrangement with Mr. Barney. I have never heard that they did. I think that the whole arrangement between Mr. Barney and Mr. Fisher, so far as the steamships were concerned, was inchoate, and subject to the action of the board of trustees.

Question. Could you inform us what capital would be necessary to maintain a line of steamers from New York to Aspinwall?

Answer. Running twice a month?

Question. Yes, sir; and on the other side to San Francisco, with voyages of 20 or 21 days.

Answer. At the present time the capital of the Pacific Mail Steamship Company, on the Pacific ocean, running between Panama and San Francisco, is $4,000,000. The capital employed on this side, including the New Orleans branch of the service, is about $2,000,000. I think that, without reference to accidents, which are ever liable to occur in a business of that kind, a capital of from three to four millions might, perhaps, do the business.

Question. What is the expense of a single voyage; can you give any idea of that?

Answer. I can; the expenses of a voyage from New York to San Francisco, with a complement of, say, 500 passengers, is $100,000, as near as may be. It may vary somewhat, according to circumstances; but $100,000 is about the cost of a round voyage.

By Mr. TRAIN:

Question. Do you reckon in that wear and tear and insurance?

Answer. No, sir; I reckon nothing but disbursements.

By Mr. WINSLOW:

Question. What do you suppose is the least possible amount of capital that it would be prudent to employ to undertake to run the route? We have just mentioned carrying the mails twice a month, in 20 or 21 days. Now, to do that, with a line to New Orleans also, what is the least amount of capital that it would be safe and reliable to depend upon?

Answer. At least $3,000,000, with an unquestioned credit.

Question. Then, of course, it is a consequent that $500,000 would be a totally inadequate capital for a man to rely upon in such a business?

Answer. It is simply ridiculous. It seems to me that a party who would undertake such a business with $500,000 would be insane. A single accident might sweep away the whole. If you will reflect, the business is very extensive; at times it is lucrative, of course, and at times depressed. I cannot think that any man at all acquainted with that business would express the opinion that a capital of but $500,000 was at all adequate to attempt such an enterprise.

Question. Do you know William Chase Barney's pecuniary abilities; do you know anything about his pecuniary abilities?

Answer. I know nothing of my own knowledge. I have never supposed him a man of wealth.

Question. Is he reputed in the city of New York to be a man of means?

Answer. I think not.

Question. I will ask you, then, if his reputation is not quite the reverse; that he is not a man of means?

Answer. I have always supposed Mr. Barney to be an active, enterprising gentleman, without money. I have frequently seen him, and I have never known him to make any representation that he possessed means.

Upon motion of Mr. WINSLOW, it was

Ordered, That the following extract from the President's annual message to Congress of December 6, 1858, be appended to the testimony of the Hon. Horace F. Clark, relative to the carrying of the California mails, &c.:

"The political condition of the narrow isthmus of Central America through which transit routes pass, between the Atlantic and Pacific oceans, presents a subject of deep interest to all commercial nations. It is over these transits that a large proportion of the trade and travel between the European and Asiatic continent is destined to pass. To the United States these routes are of incalculable importance as a means of communication between their Atlantic and Pacific possessions. The latter now extend throughout seventeen degrees of latitude on the Pacific coast, embracing the important State of California and the flourishing Territories of Oregon and Washington. All commercial nations, therefore, have a deep and direct interest that these communications shall be rendered secure from interruption. If an arm of the sea, connecting the two oceans, penetrated through Nica-

ragua and Costa Rica, it could not be pretended that these States would have the right to arrest or retard its navigation to the injury of other nations. The transit by land over this narrow isthmus occupies nearly the same position. It is a highway in which they themselves have little interest when compared with the vast interest of the rest of the world. Whilst their rights of sovereignty ought to be respected it is the duty of other nations to require that this important passage shall not be interrupted by the civil wars and revolutionary outbreaks which have so frequently occurred in that region. The stake is too important to be left at the mercy of rival companies claiming to hold conflicting contracts with Nicaragua. The commerce of other nations is not to stand still and await the adjustment of such petty controversies. The government of the United States expect no more than this, and they will not be satisfied with less. They would not, if they could, derive any advantage from the Nicaragua transit not common to the rest of the world. Its neutrality and protection, for the common use of all nations, is their only object. They have no objection that Nicaragua shall demand and receive a fair compensation from the companies and individuals who may traverse the route; but they insist that it shall never hereafter be closed by an arbitrary decree of that government. If disputes arise between it and those with whom they may have entered into contracts, these must be adjusted by some fair tribunal provided for the purpose, and the route must not be closed pending the controversy. This is our whole policy, and it cannot fail to be acceptable to other nations.

"All these difficulties might be avoided if, consistently with the good faith of Nicaragua, the use of this transit could be thrown open to general competition; providing at the same time for the payment of a reasonable rate to the Nicaraguan government on passengers and freight.

"In August, 1852, the Accessory Transit Company made its first interoceanic trip over the Nicaraguan route, and continued in successful operation, with great advantage to the public, until the 18th of February, 1856, when it was closed, and the grant to this company, as well as its charter, were summarily and arbitrarily revoked by the government of President Rivas. Previous to this date, however, in 1854, serious disputes concerning the settlement of their accounts had arisen between the company and the government, threatening the interruption of the route at any moment. These the United States in vain endeavored to compose. It would be useless to narrate the various proceedings which took place between the parties up till the time when the transit was discontinued. Suffice it to say, that since February, 1856, it has remained closed, greatly to the prejudice of citizens of the United States. Since that time the competition has ceased between the rival routes of Panama and Nicaragua; and, in consequence thereof, an unjust and unreasonable amount has been exacted from our citizens for their passage to and from California."

No. 64.

ELLWOOD FISHER handed the following to the committee:

CORNER THIRD AND C STREETS, *June* 5, 1860.

SIR: In pursuance of the permission of your committee to present my further testimony in writing, I herewith submit it.

I was not connected with Sloo, nor with his Tehuantepec contract at the time it was made, nor for a long time afterwards. I was appointed by him a trustee of the United States mail line of steamers from New York to New Orleans, and from both, *via* Cuba to Aspinwall, in April, 1855. I was not connected with the Tehuantepec contract until 1857, four years after it was made, and then only with the lines of connecting steamers required by the contract. I never held any stock in the Tehuantepec company, organized in New Orleans, for constructing the roads across the Isthmus. I never asked any aid or favor from the administration for the Sloo grant or for anything else.

I did not seek to testify in this investigation. I did not know I would be called before this committee until the day before it was done; for although I had been deeply wronged by the conduct of the administration, I had been avenged. It had fallen. I had merely stated in casual conversations what had occurred in the Tehuantepec business, and my remarks had, I suppose, been mentioned, but not by me or at my instance, to some member of the committee. I was about to leave town on urgent business and was prevented by virtue of the summons. I did not volunteer the publication of any testimony.

When I was appointed trustee of the mail line, I considered Sloo's interest in that worth at least a million and a half of dollars. During the period of about four years and a half that I was one of the trustees, the earnings of the line were very large, but the greater part of the money was wrongfully appropriated to Vanderbilt for black-mail, and to others on various pretexts. Sloo received, during that time, only about half a million. Much, perhaps the most he received, was appropriated to his Tehuantepec engagements. I was frequently called on to provide the means out of his interest in the line to pay large amounts of this kind, and was satisfied his fortune was seriously involved in that enterprise. But operations on it had ceased on the retirement of Sykes & Co., the first contractors for the roads, about a year before.

At the desire of Sloo, I co-operated in the effort at a resumption of the work, and by the winter of 1856,–'57 had succeeded in providing for over half a million of means for the enterprise, including seventy thousand dollars cash, two steamers for the river, two steamships for the Atlantic side, and all the engines for the Pacific steamers. I had co-operated in making a contract the year before, but the contractor had not complied with his engagements, and the work had languished and was again coming to a stand, when we at length succeeded in providing all that was necessary to insure the opening of the route. And then commenced my connexion with the contract, for I was unwilling to be connected with it until its success was assured.

But when this was done, it was announced in the papers that the administration had taken up the subject. So I called on the President. He stated some of the views contained in his despatch to our minister in Mexico. He referred particularly to the non-acceptance by Sloo, and the non-payment of the drafts drawn on him for the $600,000 for which those drafts were cashed by Falconett & Co., to pay the government of Mexico for the grant. I stated to him the accounts I had received from various parties and from the documents relative to that transaction. By one of the secret articles attached to that grant or contract, its validity—its very existence—was made dependent on the sanction of our government; and the only mode by which that sanction could be given was by treaty; and the grant arrived too late to be acted on and sanctioned by the Senate that session, and was not, in fact, sanctioned by the Senate in the Gadsden treaty until about seventeen months afterwards. Sloo, therefore, finding himself called on to become individually liable for $600,000 for a grant not then valid, and which might never become valid, and which could not become so for a long period, was right in refusing to accept, unless he had authorized his agent to draw in such a contingency; which Sloo denied, and which, from the papers relied on, that I had seen, I believe he had not done.

Besides, the grant, when it came to him, was to three Mexican parties besides himself, and on the face of it he was entitled to only one-fourth of its benefits, and yet he was drawn on for the whole of the money. He would have been a fool to accept. He was not in Mexico when the grant was made, nor had he been for nine months. He had gone there to make a bid for himself. He was now in a critical position. The grant had been mortgaged in Mexico to secure the payment of these bills. In its invalid condition it might be sold under the mortgage at a nominal sum, and then himself subjected to vexatious litigation for the balance of the money, on the question of his liability for the acts of his agent, not only as to these bills, but as to engagements with the other co-grantees; and the grant, as it stood, afforded no adequate security to Falconett, and if permitted so to stand, without prosecuting the work, the probabilities of obtaining the sanction of the Senate at the next session would be diminished. Sloo took, perhaps, the wisest course, and for all parties the most equitable. He made a vigorous effort to go on with the work. He arranged with the Mexican parties their several interests and his own. He then sought one of the largest railroad contracting parties in the world, that of Sykes & Co., then of Sheffield, England, and carrying on a work in Canada. He offered them liberal terms, and expressed the conviction that if the work were vigorously prosecuted prior to the meeting of Congress, the contract would be confirmed by treaty; and he offered, if they would in the meanwhile pay the Falconett debt, to pledge them the security of the whole contract. Their partner or agent in Canada accepted the offer and contracted for the house; and Sloo, after making this contract—after allotting to the Mexican parties their stock—after incurring the expense of a journey to Mexico and to Canada, and paying the drafts of agents, engineers, counsel, &c., and after himself buying and fitting out a steamer at Louisville, in aid of

the work, had nothing left for himself but stock representing about two-fifths of the residuary interest in the grant after it had paid all the costs of making the two roads—plank and rail—and their equipments and the Falconett debt, reserving to himself also the right of establishing the connecting lines of steamers, for which, as a large owner in the United States mail steamship line, he had peculiar facilities.

Had the contract been complete, so that it could have been negotiated or hypothecated in this country, there was a class of steamship capitalists from whom it would have been as easy to obtain $600,000 on it as to obtain par for United States six per cents. The mistake was in making any advance to the Mexican government until the contract *was* complete. Sloo always denied he had authorized the act of drawing on him on such a contingency and under such circumstances, and refused to become the victim of it.

The contract being made with Sykes & Co., the agent or partner in this country drew on them for the principal and interest of the Falconett debt, and these drafts were given to the holders of that debt; but in England that house took the same exception that Sloo had taken—that there was as yet no treaty with the United States, and therefore no valid grant from Mexico, and, as Sloo had done, refused to accept. Meanwhile operations had commenced on the Isthmus, and at length the Senate and President ratified, in June, 1854, the grant. But the Crimean war had begun. It had produced a financial revulsion, fatal to great railroad undertakings, and before the news of the ratification reached England the house of Sykes & Co. had suspended. Afterwards their affairs were retrieved, and, thinking well of the Tehuantepec contract, one of the partners started over to this country to resume operations. He was lost in the Arctic, and the partnership being thereby dissolved, the house ceased to exist.

The President said the grant had been tranferred to Falconett with the approbation of the Mexican government. I denied it, and said a clerk or minister *ad interim* of the foreign office there had attempted it, but that the act had never been ratified by the Mexican government; that the Sloo company now had possession of the route, and had recently, and within the time fixed, opened the road from the head of navigation of the Coatzacoalcos river to the Pacific; that they had not made a plank road, for it was found plank roads would not answer in hilly regions, but that they intended, where it was necessary, to use a sort of volcanic rock found there; that I myself had recently received official information that a steamer I had just fitted out for Sloo & Co. at Baltimore for the route would be duly received and recognized under the contract.

The President asked how Falconett was to be paid? I replied that as soon as the route was opened and in operation it would have revenues that could be hypothecated to pay him. It would have to be done; otherwise he could sequester the revenue and pay himself. It was impossible for the parties to save the contract and pay him first, or to comply with all the engagements at once after so many disasters. But the prompt prosecution of the work was the complete security of Falconett.

The President spoke of the rights of the Garay company. I told him the Mexican congress had unanimously voted them extinct, and surely if the Sloo grant could be questioned, which in four years had done and was doing so much, the Garay grant could not be countenanced, which in ten or eleven years, from 1842 to 1852, had done almost nothing at all.

The President said the present company in New Orleans was organized adversely to Sloo. Yes! I told him I had been informed that two days before the recent election of directors a sudden and unlawful emission of a million and a third of stock had occurred, which had been used in voting down the Sloo ticket. But the transaction was impotent; the parties had not the money to carry on the work; that Sloo had—who had already sent a vessel himself from New Orleans with men and provisions, to be followed by the materials for bridging, &c. Yet the President took these two parties, invested their chiefs, (Mr. Benjamin, the president of the defunct Garay company, and Mr. Le Sere, president by virtue of that remarkable emission of stock,) invested them with diplomatic powers, and sent them to Mexico to get the Sloo grant *modified*. It *was* modified! The Sloo grant was *annulled* by an executive decree; another grant by another decree given to the coalesced Le Sere and Benjamin parties. The Sloo grant expressly provided that controversies between the government and the grantees should be settled by arbitration or adjudication. Our executive instructs our minister to have that grant so *modified* by the executive of Mexico, (without even the sanction of their congress,) so that the principal grantee shall be turned out and those who held in harmony with him and who voted about two-thirds of the legal stock, and to have his favored parties substituted.

The President objected that the means and resources of the Sloo party were inadequate, and preferred the Garay company, which put in a defunct grant. No, they did not do that. They ceded it to the coalesced company for two millions of the new stock. The Garay company, instead of contributing to the means of the new company, contributed a burden on it of two millions. The Le Sere company, after renouncing its organization and its claims to the contract, undertook to put in the work that had been done by the Sloo company, much of it by the sale of stock at a sacrifiee, and of that thus sold, most of it belonged to Sloo and his friends, and the whole of it was taken from the five millions of the reserved stock of which the President complains so much in his despatch to our minister. I am, perhaps, mistaken. The two millions of reserved paid up stock under the coalesced company was probably to indemnify both the allies—the Garay company for their defunct charter, the Le Sere company for the work already done, as I have described. I believe, however, among the secret articles of the Sloo grant, there was one that bound the grantees to indemnify the Garay company for some work actually done in the ten or eleven years of their pretended ownership of the route. It was understood to be about $60,000, but I think the Garay party claimed that it was much more. At all events, all that had been done under the Garay company in ten years, under the Sloo company in four years, by Sykes & Co. at first, and by the sale of Sloo stock afterwards, had

not made a road a hundred miles long that could be conveniently travelled by a stage, and for this two millions of the new, prime, *bona fide*, paid up stock was to be appropriated, and I have heard some of it was to be offered to Sloo to obtain a relinquishment of his rights. And Mr. Falconett, instead of being paid cash, and for whom the President was so much concerned, received, I understood, eight per cent. bonds of the company, for which it was provided a million should be created. Thus the same arrangement was made for him which the Sloo company had made.

The new company had yet eight millions of stock to be taken, and I find by the New York Herald of August 17, 1857, that the following subscriptions of stock were made on its organization, or when the books were opened in New Orleans, July 30, 1857:

Emile Le Sere.....	50 shares.	J. L. Warner.....	50 shares.
J. W. Burbridge....	50 "	W. E. Starke..... ...	50 "
Lionel C. Levy.....	50 "	A. Penn, per Jno. Le Sere.....	50 "
D. F. Kenner.....	50 "	John Slidell, per Jno. Le Sere.....	50 "
J. P. Benjamin.....	50 "		
J. D. Denegre.....	50 "		
P. O. Hebert.....	50 "	P. A. Hargous, per J. P. Benjamin...	100 "
John M. Bell.....	50 "		

700 shares, or $70,000, of which ten per cent., or seven thousand dollars, was, by the terms of the charter, to be paid in cash, when the subscriptions were made. This was on the 30th July, 1857. The instructions of the President to our minister in Mexico are dated 17th July, 1857, and they contain the plan of the new company. And thus, with these instructions in their pockets, and seven thousand dollars in their treasury, and subscriptions for $63,000 more, and with the defunct Garay grant as additional assets, and claiming to own the road made by the Sloo company, and with admitted obligations to the amount of three millions, Messrs. Benjamin and Le Sere sat out to Mexico to get Sloo's contract taken from him on account of his want of means, and given to them on account of their abundance of means! And the President backed this undertaking with the diplomatic influence of this country.

It is true the Sloo company had reserved five millions of stock, but that was for parties who had personally bound themselves to Mexico to perform the whole contract, and a large part of this very stock had already been devoted to that work. But the new company had only $70,000 of assets in one hand, and a claim in the other, to encumber the enterprise, of two millions! The subscribers in the new company might, in the aggregate, be worth more than Sloo, but they had bound themselves to pay only $70,000 to perform this contract. Sloo and his associates were bound personally to perform it all, and had already contributed thrice as much as the new parties had subscribed, and Sloo himself had provided means to the extent of some half a million more.

But the thing was done. Sloo was sacrificed. The new company got a contract from the Mexican executive, and, before doing any work

of consequence on the road, got a contract with the Post Office Department to carry the mails for $250,000 a year, and at the end of that contract the operations of the company ended and their assets have been sold to pay their creditors.

Thus the President interfered to get a valuable contract with a foreign government wrested from one set of American citizens and given to another, and for this purpose used the diplomatic power of this government to induce that to violate its engagements, and do by executive decree what it had stipulated could be done only by a decision of court. Then the Post Office Department of this government was used to the extent of $250,000 to sustain the scheme, the postages realized being only about $5,000. And thus a few only, being a majority of the subscribers to the new company, holding some thirty-five or forty-thousand dollars of its stock, on which had been paid some four thousand dollars, were invested with the control (and as circumstances might indicate, could maintain it) of all the benefits of all the Mexican and post office contracts, for they had only to issue bonds for the money yet required and retain the profits to themselves.

The Presidents pretexts were:

1st. He wanted to open the route speedily.

(It is now desolate and abandoned.)

2d. That he wanted Falconett paid.

(Falconett is not yet paid.)

3d. He wanted even a better treaty and stronger guarantee than before to protect the Isthmus.

(There is now no treaty recognized by Mexico.)

4th. He wanted the mails carried by that route.

(I offered, on our part, to have it done in sixty days, and give ample security, although I was not aware that any law existed to authorize any contract unless a contingent one.)

I have thus stated the circumstances of this case, as I knew them from personal knowledge and observation, whilst I was concerned and where I was located. As to all else where I was not present and where I was not interested, I have stated them from the best information I could get from the parties. For their statements or transactions I am not responsible, but as I have related them I have believed them, and have since seen nothing to change that belief.

It is my impression I gave the President a statement in writing of the means and preparations of Sloo to carry on the contract, but am not certain. Every preparation had been securely made to put the whole route, land and water, in operation from New York to California, except that for the Pacific side there would have been required some two hundred thousand dollars more to aid in the construction of three steamers. The total means altogether necessary to commence operations did not exceed one million of dollars, with what incidental credits the employment of that capital involves or easily secures. Bridges would have been required on the approach of the rainy season.

I do not pretend to recollect fully the conversation with the President as it occurred. In some cases it was more, and in some probably less detailed than I have given it, and I have interspersed some explanations as to subsequent events, which, of course were not then

made. But the main features of the conference are given, for I thought it important that he should be fully advised as to the injustice and fallacy of the positions he had assumed towards the Sloo grant, and which were set forth in the instructions to our minister in Mexico.

Respectfully,

ELLWOOD FISHER.

Hon. JOHN COVODE,
Chairman of Committee of Investigations,
House of Representatives.

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